



Yukon Legislative Assembly

Annotated Standing Orders

February 2017

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Introduction

One of the fundamental privileges enjoyed by parliaments and assemblies constituted according to the Westminster parliamentary model is the right to control the conduct of their own proceedings. This right includes the authority to establish and enforce rules of procedure. In parliamentary bodies these rules of procedure are commonly referred to as standing (permanent) orders.

The Yukon Legislative Assembly's authority to establish its own standing orders is recognized in Section 16 of the *Yukon Act (Canada)*, which says,

The Legislative Assembly may make rules for its operations and procedures, except in relation to the classes of subjects with respect to which the Legislature may make laws under paragraph 18(1)(b).

The meaning of the latter part of this section is that rules regarding “the disqualification of persons from sitting or voting as members of the Legislative Assembly and the privileges, indemnity and expenses of those members” must be established by law, not by standing orders.

This authority is reiterated in Section 27 of the *Legislative Assembly Act* which says, “The Legislative Assembly may adopt standing orders for the orderly conduct of its business, and may amend the standing orders from time to time.”

The annotations in this document are meant to assist in the interpretation of the current version of the *Standing Orders of the Yukon Legislative Assembly*, which came into force on October 30, 2012. These annotations are based on recent experience and established practice. The annotations also cross-reference certain standing orders and make reference to legislative requirements that provide the basis for certain standing orders. The annotations also make reference to procedural authorities that provide the rationale for certain standing orders and how they are interpreted. The definition of terms used in this document can be found in the *Glossary of Parliamentary Procedure*.

Notwithstanding, the application of standing orders can be highly contextual and subject to change over time. Therefore, the annotations should be looked upon as a guide and not a definitive interpretation of the *Standing Orders of the Yukon Legislative Assembly*.

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GENERAL RULE

Procedure in Unprovided for Cases

- 1 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.

In dealing with procedural questions the first reference will be the rules enumerated in the Standing Orders, established practices (many of which are not formally documented), and previous rulings and statements of the Presiding Officers of the Yukon Legislative Assembly (the Speaker, Deputy Speaker and Chair of Committee of the Whole, and the Deputy Chair of Committee of the Whole) as recorded in the *Journals* and *Hansard*.

Other texts may be consulted (though they do not constitute a procedural authority or official record) including procedural reports, the *MLA Procedural Handbook*, the *Speaker's Procedural Handbook*, and the *Committee of the Whole Chair's Handbook*.

When researching the practices and procedures of the House of Commons of Canada Table Officers (the Clerk, Deputy Clerk, and Clerk of Committees) will consult various texts. The primary procedural authority is *House of Commons Procedure and Practice* (second edition, 2009). Another procedural authority is *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents* (the latest edition, the sixth, was published in 1989). Though *Beauchesne* has been generally superseded by *House of Commons Procedure and Practice*, many of the concise annotations in *Beauchesne* are still useful, particularly for citation in rulings and statements by the Presiding Officers. For matters of parliamentary privilege the Table Officers may also consult the second edition of *Parliamentary Privilege in Canada* by J.P. Joseph Maingot, Q.C., published in 1997.

When conducting procedural research Table Officers may consult with clerks across Canada, the United Kingdom (including the devolved parliaments of Scotland, Wales and Northern Ireland), Australia and New Zealand through the listserv of the Association of Clerks-at-the-Table in Canada.

For the House of Commons of the United Kingdom the standard procedural authority is *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament* (the 24th edition, published in 2011, being the latest). This may also

be consulted when dealing with broader parliamentary issues.

CHAPTER 1

PROCEDURES OF THE ASSEMBLY

Time of Sittings

- 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 Assembly does not sit on any day defined as a 'holiday' in section 21(1) of the *Interpretation Act*. This includes (but is not limited to) New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Discovery Day, Labour Day, Remembrance Day and Christmas Day. "Otherwise Ordered" means that the Assembly would have to adopt a motion specifying that the House not sit on a day when it would normally sit.

- (2) On each sitting day, at the normal hour of adjournment, the Speaker shall adjourn the Assembly without question put, and the Assembly then stands adjourned until the next sitting day unless otherwise ordered.

If the Assembly is still in session at 5:30 p.m. and the Speaker is in the Chair, he or she will call for order and say, "The time being 5:30 p.m. this House now stands adjourned until 1:00 p.m. tomorrow (or "Monday", if that be the case)." No motion to adjourn is necessary.

- (3) When the Assembly rises on Thursday, it shall stand adjourned until the following Monday unless otherwise ordered.
- (4) At the normal hour of adjournment the Chair, if the Assembly at that hour is in Committee of the Whole, shall rise and report to the Assembly on the proceedings of Committee of the Whole.

If the Assembly is sitting as Committee of the Whole at 5:30 p.m. the Chair of Committee of the Whole will call for order and say, "The time being 5:30 p.m. the Chair will rise and report to the House." No motion is required. Once the Chair has reported the committee's proceedings to the Assembly the Speaker will then adjourn the House until the next sitting day.

- (5) A motion to sit beyond the normal hour of adjournment must be moved by the Government House Leader or designate at least one-half hour before the normal hour of adjournment. Such motion shall specify the business to be dealt

with and may be moved either with the Speaker in the Chair or while the Assembly is in Committee of the Whole.

Note that the motion to sit beyond the normal hour of adjournment must be moved by 5:00 p.m. Note also that only the Government House Leader or designate may move this motion. Therefore the opposition cannot force extended sitting hours on the government, even where the government is a minority in the House. Such a motion is a motion “for fixing a time or meeting or adjournment of the Assembly” and so, pursuant to Standing Order 27(3)(i), may be moved without notice. It is, pursuant to Standing Order 24(1)(m) a debatable motion. Should the time reach 5:30 p.m. while the motion is under debate the House shall adjourn as usual. No motion to sit beyond the normal hour of adjournment has been moved since the Assembly adopted Chapter 14 of the Standing Orders on November 19, 2001.

Quorum

- 3(1) Pursuant to section 15 of the *Yukon Act* a majority of the members of the Legislative Assembly, including the Speaker, is necessary to constitute a meeting of the Assembly for the exercise of its powers, but if there is not a quorum, the Speaker shall take the Chair and adjourn the Assembly until the next sitting day.

“...a majority of the members of the Legislative Assembly...” refers to sitting, elected members. With a membership of 19 members, when there are no vacant seats in the Assembly, quorum is ten members. If one or more seats is vacant, the actual quorum may be less than ten. A seat is vacant when a member has resigned, died or been expelled from the Assembly. A seat is not vacant because an MLA is absent from the House for one or more sitting days. When a seat is vacant the desk and chair of the former member are removed from the Chamber until a new member has been elected to represent that electoral district. The Speaker will only take notice whether a quorum is present at the start of a sitting day. Once proceedings begin, it is up to a member to bring a lack of quorum to the Speaker’s attention. As quorum in the Assembly is specified in the *Yukon Act*, this standing order is not subject to Standing Order 14.3 – unanimous consent to waive rules.

- (2) If, at any time during a sitting of the Assembly, the Speaker’s attention is drawn to the fact that there does not appear to be a quorum, the Speaker shall cause the bells to ring for four minutes and then do a count. If there is still not a quorum, the Speaker shall adjourn the Assembly until the next sitting day.

A member draws the Speaker’s attention to a lack of quorum by raising the issue on a point of order. A quorum count may not be used to delay proceedings.

According to the second edition of *House of Commons Procedure and Practice*: “If a quorum is obviously present, the Speaker may simply announce that there is a quorum and dispense with the count; the House then returns to its business.” (page 392) The sitting of November 24, 2004 was the last sitting adjourned due to a lack of quorum, where the original quorum call occurred with the Speaker in the Chair. The Assembly, having convened at 1:00 p.m. adjourned at 1:59 p.m.

- (3) Eight members, including the Chair, shall constitute a quorum in Committee of the Whole.

Unlike the Speaker, the Chair of Committee of the Whole does not look for quorum when he or she takes the Chair. Quorum for Committee of the Whole is not stipulated by the *Yukon Act*, or any other legislation. Therefore Standing Order 14.3 could be used to override Standing Order 3(3). As a matter of practice quorum is not called during Committee of the Whole. However, this is not a rule and if a quorum count is called, the Chair will proceed with the quorum count as outlined in Standing Order 3(4).

- (4) While in Committee of the Whole, if the Chair's attention is drawn to an apparent lack of a quorum, the Chair shall ring the bells for four minutes and then do a count. If there is still not a quorum, the Chair shall report the matter to the Speaker, who shall repeat the procedure. If, on the Speaker's count, a quorum is present, the Assembly shall resolve itself into Committee; otherwise, the Speaker shall adjourn the Assembly until the next sitting day.

Like the Speaker, the Chair of Committee of the Whole is not obliged to conduct a quorum count if he or she sees that a quorum is obviously present.

May 3, 2007 was the last time the Speaker adjourned the House due to a lack of quorum, where the original quorum call occurred in Committee of the Whole. The House, having convened at 1:00 p.m. adjourned at 3:14 p.m.

- (5) If the Speaker or the Chair believes a quorum to have been established before four minutes have elapsed, the bells shall be stopped and a count done.
- (6) Whenever the Speaker adjourns the Assembly for want of a quorum, the time of the adjournment and the names of the members then present shall be entered in the Votes and Proceedings.

The Votes and Proceedings are the daily official record of the decisions and other transactions of the Legislative Assembly. At the end of a Spring or Fall Sitting, a compilation of revised and indexed *Votes & Proceedings* is produced as the *Journals*.

Speaker

The Speaker is the Member elected by the Legislative Assembly to preside over its sittings. In particular, he or she is responsible for maintaining order and decorum. As Chair of the Members' Services Board, the Speaker oversees the administration of the Assembly. In addition, the Speaker is the spokesperson and representative of the Assembly in its relations with the Commissioner of Yukon and other bodies outside the House.

The election of a Speaker is required by law. Section 14(1) of the *Yukon Act* says, "The Legislative Assembly shall elect one member to be Speaker, who shall preside over the Legislative Assembly when it is sitting." Section 21 of the *Legislative Assembly Act* says, "The Legislative Assembly, on its first assembling after a general election shall proceed with all practicable speed to elect one of its members to be Speaker."

The House cannot conduct proceedings without a Speaker. Therefore, section 22 of the *Legislative Assembly Act* says, "In case of a vacancy happening in the office of the Speaker by death, resignation or otherwise, the Legislative Assembly shall proceed with all practicable speed to elect another of its members to be Speaker." The Deputy Speaker does not automatically become Speaker when the Speakership becomes vacant, he or she must be elected to the position of Speaker by order of the House.

The Assembly selects its Speaker by way of motion "THAT [a member], Member for [electoral district], do take the Chair of this Assembly as Speaker." Only a private member (a member who is not a cabinet minister) can be nominated as Speaker. The established practice is for the Premier to move the motion to elect the Speaker, seconded by the Leader of the Official Opposition and the Leader of the Third Party. This is the only motion that gets 'seconded' in the Yukon Legislative Assembly. This practice is meant to illustrate that the entire House supports the Speaker. The seconding of the motion is not procedurally necessary.

A member does not have to accept a nomination in order to be elected a Speaker, Deputy Speaker or Deputy Chair of Committee of the Whole.

- 4(1) The Speaker shall not participate as a private member in any business before the Assembly.

When the Speaker is in the Chamber he or she shall preside over the Assembly. Contrast this standing order with Standing Order 4(3) which explicitly permits the Speaker to participate as a private member in Committee of the Whole. Similar restrictions do not apply to the Deputy Speaker/Chair of Committee of the Whole or

the Deputy Chair of Committee of the Whole.

- (2) In the event of a tie vote, the Speaker shall cast the deciding vote and any reasons stated shall be entered in the Votes and Proceedings.

Section 14(2) of the *Yukon Act* stipulates at that “The Speaker may only vote in the Legislative Assembly in the case of a tie.” Further, section 28 of the *Legislative Assembly Act* says, “Questions arising in the Legislative Assembly shall be decided by a majority of votes cast, and the Speaker shall not vote except as provided in section 29.” Section 29 says, “When the number of votes cast for and against a motion are equal, the Speaker shall give a casting vote.”

According to the second edition of *House of Commons Procedure and Practice*, “In theory, the Speaker has the same freedom as any other Member to vote in accordance with his or her conscience; however, the exercise of this responsibility could involve the Speaker in partisan debate, which would adversely affect the confidence of the House in his or her impartiality. Therefore, certain conventions have developed as a guide to Speakers (and Chairs in a Committee of the Whole) in the infrequent exercise of the casting vote. Concisely put, the Speaker normally votes to maintain the *status quo*.” (page 316)

The manner in which the Speaker tries to maintain the *status quo* is outlined in the *Speaker’s Procedural Handbook*. Generally, the Speaker votes in such a way as to promote further debate in the hope that the House may reach a decision on the matter at a later stage. So, for example, if there is a tie on a vote on a motion for second reading of a bill the Speaker would vote in favour of the motion, in order that the House could further consider the matter in Committee of the Whole. In dealing with a motion, an amendment to a motion, or a motion for third reading of a bill, where further consideration is not possible, the Speaker would generally vote against the motion. However, the Speaker would vote in favour of a motion for third reading of a bill, if the bill constituted a matter of confidence in the government. The use of the casting vote should not lead to the defeat of the government.

- (3) The Speaker may participate as a private member in the business of Committee of the Whole.

The practice has been that the Speaker only participates in Committee of the Whole to vote, and only when this is considered necessary. The Speaker may also, as Chair of the Members’ Services Board, introduce, and answer questions about, the estimates for the Legislative Assembly (including the Conflict of Interest Commission), the Elections Office, the Office of the Ombudsman, and the Child &

Youth Advocate Office. In practice these votes are rarely debated in Committee of the Whole as they are approved by the Members' Services Board prior to their inclusion in the budget that the government presents to the House.

Deputy Speaker and Deputy Chair

The *Yukon Act* does not require the election of a Deputy Speaker. Section 23 of the *Legislative Assembly Act* says, "The Legislative Assembly *may* elect a Deputy Speaker..." (emphasis added) However the election of a Deputy Speaker is necessary since the Speaker does not preside over Committee of the Whole. The Deputy Speaker is chosen by way of a motion "THAT [a member], Member for [electoral district], be elected Deputy Speaker and Chair of Committee of the Whole."

- 5(1) The Deputy Speaker shall be Chair of Committee of the Whole.
- (2) The Assembly may, from time to time as necessary, elect a Deputy Chair of Committee of the Whole who shall be entitled to take the Chair of Committee.

Neither the *Yukon Act*, nor the *Legislative Assembly Act*, refer to the Deputy Chair of Committee of the Whole. Unlike the Speaker and the Deputy Speaker, the Deputy Chair of Committee of the Whole is not compensated for this position. Though it is not stated in the rules or in legislation, as a matter of practice the Deputy Chair of Committee of the Whole is considered third in line for the Speaker's Chair – behind the Speaker and the Deputy Speaker. The Deputy Chair of Committee of the Whole is chosen by way of a motion "THAT [a member], Member for [electoral district], be elected Deputy Chair of Committee of the Whole."

- (3) If the Chair and Deputy Chair are absent, the Speaker shall, before leaving the Chair upon the Assembly resolving into Committee of the Whole, appoint a member to be acting Chair.

In choosing an acting Chair the Speaker can choose any private member in the House - government or opposition. As one of the fundamental duties of the Assembly is to hold the cabinet accountable, cabinet ministers are never chosen to preside over any of the House's proceedings. This standing order was last invoked on May 24, 2016.

Order and Decorum

- 6(1) The Speaker shall preserve order and decorum, and shall decide questions of order. In deciding a question of order or practice, the Speaker may state the Standing Order or other authority applicable to the case. No debate shall be permitted on any such decision, and no decision shall be subject to an appeal to the Assembly.

In other words, the House must accept rulings from the Speaker whether members agree with them or not.

- (2) In the case of grave disorder arising, the Speaker may, without motion, adjourn the sitting or suspend it for a specified time.

This applies to disorder on the floor or in the public gallery. The proper procedure for dealing with a grave disorder is outlined in the *Speaker's Procedural Handbook*. On May 9, 2012 the Speaker recessed the House for eight minutes due to a disturbance in the public gallery.

- (3) When entering or leaving the Chamber, members shall bow to the Chair.

This is meant as a sign of respect for the authority of the position of Speaker, not the current occupant of the Chair. It is to be done even if the Chair is empty.

- (4) When the Speaker speaks at any time, any member speaking shall sit down and the Speaker shall be heard without interruption.

The Speaker does not speak often during proceedings, but when the Speaker does address the House he or she must be heard by all members. This applies whether the Speaker is giving a ruling, making a statement, putting a motion to the House or conducting a division. The same principle applies regarding the Chair in Committee of the Whole.

- (5) When the Speaker is putting a question, no member shall enter, walk out of or across the Assembly, or make any noise or disturbance.

Members should remain in their places at this time. It is vital that all members hear the question put by the Speaker so that they can properly vote on it.

- (6) When a member is speaking, no member shall interrupt, except to raise a point of order or a question of privilege.

In practice the Speaker may tolerate a certain amount of discussion amongst members who have not been recognized to speak, as long as their actions and discussion do not disturb or impede the proceedings.

- (7) Members shall take care not to pass between a member who is speaking and the Speaker, or between the Speaker's Chair and the Mace.

- (8) When the Assembly adjourns, the members shall remain in their places until the Speaker has left the Chamber.

Once the motion to adjourn the House has been carried, or the Speaker adjourns the House at 5:30 p.m. pursuant to Standing Order 2(2), the Sergeant-at-Arms will call for "Order" before removing the Mace from the Table and leading the Speaker out of the Chamber. When the Sergeant-at-Arms calls for "Order" all persons in the Chamber should rise and remain standing until the Speaker has left the Chamber.

Question of Privilege

"Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively...and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the general law." (*Erskine May*, 23rd edition, page 75)

Parliamentary privilege originated in Article 9 of the English *Bill of Rights, 1689* which says, "That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament..." (*Erskine May*, 24th edition, page 221) This was intended to prevent the Crown and the courts from interfering in the work of Parliament.

Parliamentary privilege is part of the constitution of Canada and extends to the Senate and House of Commons of Canada, as well as the legislative assemblies of the provinces and territories. Parliamentary privilege is limited to those rights and immunities that are considered necessary for the Assembly and its members to carry out their duties related to the conduct of parliamentary proceedings. The Supreme Court of Canada has, in cases brought before it, addressed the issue of parliamentary privilege. While it has developed a means of interpreting parliamentary privilege it has not established a definitive list of privileges. However, it has mentioned control over day-to-day procedure in the House as an area of privilege (see *Canada (House of Commons) v. Vaid*, [2005], paragraphs 28-30).

Parliamentary privilege belongs in the first instance to the Assembly. The rights and powers of the House include: the regulation of its own internal affairs; the authority to maintain the attendance and service of its Members; the power to discipline; the right to institute inquiries and to call witnesses and demand papers; and the right to publish papers (*Hansard*, committee reports) without recourse to the courts relating to the content. "The two most dominant rights or powers are the right of the House to regulate its own internal affairs and the power to discipline" (*House of Commons Procedure and Practice*, 2nd edition, pages 118-119).

The rights, privileges and immunities of individual members derive from their status as members of the Legislative Assembly. These include: freedom of speech and freedom from obstruction, interference, intimidation and molestation. Members also have freedom from arrest in civil actions; are exempted from jury duty and from being subpoenaed to attend court as a witness, though these latter exemptions only apply while the House is in session or immediately before or after a Sitting of the House (*House of Commons Procedure and Practice*, 2nd edition, page 89-118).

Some of the privileges of members are reflected in Yukon statutes. For example, section 33 of the *Legislative Assembly Act* says, “No member of the Legislative Assembly is liable to any civil action or prosecution, arrest, imprisonment, or damages because of any matter or thing brought by them before the Legislative Assembly or any committee thereof by petition, bill, resolution, motion, or otherwise, or anything said by them before the Legislative Assembly or any committee thereof.”

Standing Order 7 outlines the process by which a member may raise a question of privilege (a question of privilege being an assertion that one (or more) of the Assembly’s privileges (or those of a member) have been violated) and how the Assembly deals with such an assertion.

Only the Assembly can deal with questions of privilege. Therefore, if an alleged breach of privilege occurs in Committee of the Whole, or in regards to the proceedings of a standing, select or special committee, the committee must report the matter to the Assembly. This report must be from the committee as a whole, not from an individual member of the committee. The Speaker will then deal with the question of privilege in the House according to the procedures established in Standing Order 7.

- 7(1) A member wishing to raise a question of privilege shall
- (a) following the Daily Routine and before the Orders of the Day are called, and
 - (b) after having given a written notice containing a brief statement of the question to the Speaker at least two hours before the opening of the sitting,
- call attention to the alleged breach of privilege and explain the matter.

A member who intends to raise a question of privilege must inform the Speaker of his or her intentions by 11:00 a.m. on the sitting day on which the question of privilege will be raised. Obviously, this is not possible if the alleged breach of privilege occurs after 11:00 a.m. In such instances the member should give the Speaker as much

notice as possible of his or her intention to raise the question of privilege.

- (2) A member may always raise a question of privilege in the Assembly immediately after the words are spoken or the events occur that give rise to the question.
- (3) The Speaker may allow such debate as is necessary to assist in the determination of whether there appears to be a prima facie case of breach of privilege and whether the matter is being raised at the earliest opportunity.

The purpose of this debate is to give members the opportunity to make submissions to the Speaker on the question of whether there appears to be a breach of privilege. This is not an opportunity to debate the issue. At this point, the Speaker must decide whether there is enough 'evidence', at first glance (*prima facie*), to conclude that a breach of privilege may have occurred. A breach of the privileges of the House or of one of its members is a serious matter, and if the Speaker concludes that a breach of privilege may have occurred the normal business of the House will be interrupted so that the members can deal with the issue. The Speaker is free to decide when he or she has heard enough to make a determination. The Speaker does not have to hear from all members who wish to address the question of privilege.

The Speaker may rule immediately on a question of privilege. However, due to the seriousness and complexity of matters of privilege the Speaker will usually take the matter under advisement and return with a ruling at a later date. The Speaker may rule immediately where it is clear, for example, that the matter raised is a point of order and not a question of privilege. Genuine matters of privilege are rare.

- (4) When the Speaker has ruled that
 - (a) there appears to be a prima facie case of breach of privilege, and
 - (b) the matter has been raised at the earliest opportunity

any member may either immediately propose a motion or, not later than at the conclusion of the next sitting day, give notice of a motion calling upon the Assembly to take action thereon or referring the same to a Committee of the Assembly.

Due to the serious nature of a breach of privilege the matter must be raised with the Speaker at the earliest opportunity so that the alleged breach may be dealt with quickly.

The Speaker does not decide if the Assembly's privileges have been breached. That is a matter for the Assembly to decide. The Speaker only decides whether there is a "prima facie case of breach of privilege." If the Speaker decides that there is, he or she will then ask the member who raised the question of privilege to move a motion that will deal with the matter. The motion could call on the Assembly to act, or to refer the matter to a committee.

- (5) If the Speaker rules that there is no prima facie case of breach of privilege or that the matter has not been raised at the earliest opportunity, the matter is then closed.

The matter is closed as a question of privilege. However, a member may raise the same matter in the Assembly by way of a substantive motion for which notice would be required. The motion could then be debated at an appropriate time. Such a motion would not take precedence over other business before the Assembly, unlike a motion designated as privileged pursuant to Standing Order 7(4).

- (6) Unless otherwise directed by the Assembly, it is not a breach of privilege for a member of a Committee to discuss with the members of the Assembly, on a confidential basis, matters that are under consideration by the Committee.

Matters that the Assembly has referred to a committee must stay with the committee until the committee is ready to report to the House. The limits on publicly discussing committee business – even with other members – are reflected, to a degree, in Guideline 13 of the Guidelines for Oral Question Period. The guideline indicates that the only questions permitted to a committee chair during Question Period are whether "the Committee has considered a certain matter, when the Committee will next meet, or when a Committee report will be tabled in the House." Note also that, pursuant to this Standing Order, a committee member may discuss committee matters only with other members of the Legislative Assembly, and that the discussion must be confidential. In other words, in order to safeguard the integrity of committee deliberations, a decision to release information about the committee's work is a decision of the committee and cannot be taken by an individual member of the committee, another member of the Legislative Assembly, or any other person.

Attendance of Members

- 8 Every member is bound to attend the service of the Assembly, unless leave of absence has been given by the Speaker.

One of the privileges of the Assembly is the authority to maintain the attendance

and service of its Members. The Assembly has first call on the service of a member when the House is in session. This is the basis of certain privileges that members enjoy, including exemption from being called for jury duty and from being subpoenaed to attend court proceedings as a witness when the House is in session.

Members are not required to seek the Speaker's permission in advance to be absent from the Assembly for a sitting day. However, when a member is absent from a sitting of the Assembly, the member is required to submit to the Clerk a form acknowledging and explaining the absence. A member may be subject to a deduction of \$100 from their indemnity if the reason for their absence is not permitted by subsection 39(5) of the *Legislative Assembly Act*. The same process applies to meetings of committees. Near the beginning of each Spring and Fall Sitting the Speaker will table a report from the Clerk of the Assembly detailing the absence of members from sittings of the House and its committees. The reasons for absence submitted by members are included in the report.

Pecuniary Interest

- 9(1) No member is entitled to vote upon any question in which the member has a direct pecuniary interest.

Pecuniary interest is not defined except as outlined in Standing Order 9(2). Members have, in the past, consulted the Conflict of Interest Commissioner to determine whether they should vote upon certain matters. Certain members have absented themselves from the debate on (or absented themselves from presiding over the debate on) matters in which they might have a direct pecuniary interest, although this is not strictly required under this Standing Order.

- (2) Notwithstanding Standing Order 9(1), a member is entitled to vote upon any question concerning the indemnities, expenses or salaries of members of the Legislative Assembly payable by the Government of Yukon.

Members are also entitled to vote on questions dealing with MLA pensions and other benefits.

Strangers

In parliamentary parlance a 'stranger' is a person who is not a member of the assembly or an official of the Legislative Assembly (i.e., the clerks-at-the-table, the sergeant-at-arms). The UK Parliament no longer uses this term. Persons formerly referred to as 'strangers' and now referred to as 'visitors' or 'members of the public.'

- 10(1) If any member takes notice that strangers are present, the Speaker or the Chair shall without debate or amendment put the question "Shall strangers be ordered to withdraw?"
- (2) Notwithstanding the foregoing, the Speaker or the Chair may order the withdrawal of strangers.

In other words, should the presiding officer (the Speaker or the Chair of Committee of the Whole) find that one or more 'strangers' is disturbing the proceedings the presiding officer does not have to wait for a member to move a motion for their removal. The presiding officer has the authority to do that.

- (3) The Sergeant-at-Arms shall when ordered by the Speaker or the Chair, eject any strangers admitted into any part of the Chamber or gallery who do not properly conduct themselves or do not withdraw when strangers are ordered to withdraw.

Security arrangements in the legislative precinct have changed since these Standing Orders were adopted. Access to the Chamber through the upper doors to the public gallery, and the lower door onto the floor of the House is now controlled by security guards. The security guards would also assist the Sergeant-at-Arms in removing strangers from the public gallery.

Cabinet Commissioners

- 10.1 A member designated as a Cabinet commissioner is a private member. With the exception of Standing Orders 11(4), 11(5) and 58(2.1), the Standing Orders apply equally to all private members including those members designated as Cabinet commissioners.

The position of cabinet commissioner was created during the 29th Legislative Assembly (1996-2000). The cabinet created four cabinet commissions to study and develop policy options in four areas – forestry, energy, local hire and the development assessment process. Each commission was headed by a government private member. As a private member a cabinet commissioner does not receive an additional salary, is not required to take the cabinet oath of secrecy, and is not subject to the additional conflict of interest rules that apply to ministers. As a private member a cabinet commissioner could be called upon to perform any duty in the House that is open to a private member – such as serving as a presiding officer, designating private members business for debate, etc.

CHAPTER 2

BUSINESS OF THE ASSEMBLY

Prayers and Daily Routine

- 11(1) The Speaker shall offer prayers at the start of every sitting day.

The Assembly has given the Speaker discretion in selecting the daily prayer. By the end of the 33rd Legislative Assembly there was a roster of four prayers in use, one for each sitting day. The 'Thursday prayer', which begins "Oh, Great Spirit..." was bequeathed to the Assembly by Speaker Sam Johnston (1985-92). A moment of silent reflection is also permitted. The prayer is not recorded in *Hansard*.

- (2) The ordinary Daily Routine in the Assembly shall be as follows:
Tributes

The Assembly currently has no specific rules relating to tributes. There are no rules regulating who or what may be the subject of a tribute, the number of tributes that may be given on any sitting day, or the length of a tribute. As for the content of tributes, the Speaker may only apply rules that apply generally to the proceedings, such as restrictions regarding unparliamentary language, order and decorum, etc.

Introduction of Visitors

Similarly, the Assembly has no specific rules regarding who may be introduced, the number of introductions that may be given on a sitting day or the length of the introduction. Once again, rules regarding unparliamentary language and order and decorum apply. Though introduction of visitors is part of the Daily Routine, members may rise on a point of order at other points during the day to introduce a visitor. Such introductions should be kept to a minimum. Visitor introductions during Question Period should be avoided. Pursuant to Standing Order 6(4) a member may not interrupt the Speaker to introduce a visitor.

Tabling Returns and Documents

Only paper documents are accepted for entry in the Assembly's working papers (official records), electronic versions (on a disk or memory stick) are not. Electronic versions are accepted for distribution to other members, the media, etc. However, a hard copy must be tabled in the House. Members have, at times attempted to table other matter, such as chunks of asphalt or lapel pins. These are not accepted for tabling. See also Standing Order 38.

Presenting Reports of Committees

See Standing Order 49.

Petitions

See Standing Orders 65 to 67.

Introduction of Bills

See Standing Order 52.

Notices of Motions

Members may give oral notice of a motion at this point during the Daily Routine. The member giving notice will then hand the written form of the motion to a Page who will then hand the form to one of the clerks-at-the-table. Members may also submit motions, in writing, to the Table at any point during a sitting day. Pursuant to Standing Order 27(4), a notice of motion must be received at the Table before 5:00 p.m. in order to be placed on the following sitting day's Notice Paper.

Ministerial Statement

See Standing Orders 11(3), 11(3.1) and 11(4).

Oral Question Period (not exceeding 30 minutes)

As outlined in the Guidelines for Oral Question Period, a questioner is entitled to one main question and two supplementary questions. As long as the questioner begins his or her main question prior to the 28-minute, 30-second mark of Question Period, the member will be permitted to ask his or her supplementary questions, even if that takes Question Period beyond 30 minutes.

- (3) On the Ministerial Statement, as listed in Standing Order 11(2), a Minister may make an announcement or statement on government policy or a matter of public interest. Such announcement or statement shall not last longer than four minutes. A member for each of the parties in opposition to the government may comment thereon for not more than four minutes and a Minister may then give a reply of not more than four minutes.

The rubric 'Ministerial Statements' was added to the routine proceedings of the House of Commons of Canada in 1975. The rubric was added to formalize a long-standing practice of providing ministers with the opportunity to "make announcements or statements on government policy or matters of national interest" during proceedings (*House of Commons Procedure and Practice*, 2nd edition, page 441).

In Yukon, Ministerial Statements were already part of the Daily Routine when responsible government was instituted in October 1979. During the 29th Legislative Assembly (1996-2000), Ministerial Statements were used with great frequency. There were also disputes over whether individual statements conformed to the Standing Orders of the day, which required a ministerial statement to be "a short factual statement of government policy." In 2001, Standing Order 11(3) was changed to broaden the range of acceptable subject matter for ministerial statements to "an announcement or statement on government policy or a matter of public interest", but to limit the use of ministerial statements to one per sitting day.

The established practice is for the minister giving the ministerial statement to provide the text of the statement to the opposition caucus offices by 11:00 a.m. on the day that the statement is to be delivered. The Speaker's office should also receive a copy of the ministerial statement.

The stipulation regarding the content of a Ministerial Statement is deliberately broad. Except in an extreme case, this removes the Speaker from determining whether the content is appropriate for a Ministerial Statement. This rule, and Standing Order 11(3.1), effectively limits the amount of time that can be taken up by ministerial statements on any given sitting day.

- (3.1) One Ministerial Statement or Cabinet Commission Statement shall be allowed per sitting day.
- (4) On the Ministerial Statement, as listed in Standing Order 11(2), a member who has been designated as a Cabinet commissioner may make an announcement or statement related to his or her Commission. Such announcement or statement shall not last longer than four minutes. A member for each of the parties in opposition to the government may comment thereon for not more than four minutes and the Cabinet commissioner may then give a reply of not more than four minutes.
- (5) During Oral Question Period, a member who has been designated as a Cabinet commissioner may answer questions respecting the activities of his or her Commission.

Order of Precedence

- 12(1) All items standing on the Orders of the Day, except government business, shall be taken up according to their precedence on the Order Paper unless otherwise ordered.

“[I]tems standing on the Orders of the Day” means business that has precedence on a given sitting day. This Standing Order has lost much of its relevance since the adoption of Standing Order 14.2. “Otherwise ordered” usually means using the processes set out in Standing Order 14.2(2) or 14.2(7).

- (2) When government business has precedence, that business may be called in such sequence as the government chooses.

Government business has precedence during Orders of the Day on Monday, Tuesday and Thursday. This standing order also applies to the order in which the estimates for House Officers, government departments and corporations are taken up during Committee of the Whole debate on budget bills.

- (3) A motion or bill that is under consideration at the conclusion of an order of business shall stand first on the Orders of the Day for the next sitting day at which similar motions or bills are considered.

Notwithstanding this standing order, Standing Order 12(2) still applies on days when government business has precedence. The order of business on days when private members’ business has precedence will be set using Standing Order 14.2(2) through Standing Order 14.2(7).

Business not proceeded with

- 12.1 Subject to Standing Order 33, a motion made under the heading Motions other than Government Motions, Motions Respecting Committee Reports or Bills other than Government Bills not proceeded with when called shall, upon the request of a member, be allowed to stand on the Order Paper.

Order of Government Business

- 13(1) After the Daily Routine, the order of business on Monday, Tuesday and Thursday shall be as follows:

Government Designated Business
Motions Respecting Committee Reports
Motions other than Government Motions

Bills other than Government Bills

- (2) When the Assembly resolves into Committee of the Whole on Monday, Tuesday and Thursday, the order of business shall be as follows:

Government Designated Business
Motions Respecting Committee Reports
Bills other than Government Bills
Motions other than Government Motions

- (3) A motion for concurrence in the report of a Committee may be called as government business if the Government House Leader or designate gives the Assembly at least twenty-four hours' oral notice.

See Standing Order 63 for a detailed explanation of a motion for concurrence in a committee report.

Establishing the order of Private Members' Business

- 13.1 There are two different methods by which the order of private members' business may be established:
- (a) to follow the order set out in Standing Order 14, subject to the provisions found in Standing Orders 12 and 14.1; or
 - (b) to follow the procedures set out in Standing Order 14.2.

As a matter of practice the method which is used for establishing the order of private members' business is that found in Standing Order 14.2.

Order of Private Members' Business

- 14(1) After the Daily Routine, on the first Wednesday of a Session that private members' business is to be considered, and every second Wednesday thereafter, the order of business shall be as follows:

Opposition private members' business:

- (a) Motions for the Production of Papers
- (b) Motions other than Government Motions
- (c) Bills other than Government Bills

Motions Respecting Committee Reports

Government Designated Business

Government private members' business:

- (a) Motions for the Production of Papers
- (b) Motions other than Government Motions
- (c) Bills other than Government Bills

- (2) After the Daily Routine, on the second Wednesday of a Session that private members' business is to be considered, and every second Wednesday thereafter, the order of business shall be as follows:
- Government private members' business:
 - (a) Motions for the Production of Papers
 - (b) Motions other than Government Motions
 - (c) Bills other than Government Bills
 - Government Designated Business
 - Motions Respecting Committee Reports
 - Opposition private members' business:
 - (a) Motions for the Production of Papers
 - (b) Motions other than Government Motions
 - (c) Bills other than Government Bills
- (3) When the Assembly resolves into Committee of the Whole on the first Wednesday of a Session that private members' business is to be considered, and every second Wednesday thereafter, the order of business shall be as follows:
- Opposition private members' business:
 - (a) Motions for the Production of Papers
 - (b) Motions other than Government Motions
 - (c) Bills other than Government Bills
 - Motions Respecting Committee Reports
 - Government Designated Business
 - Government private members' business:
 - (a) Motions for the Production of Papers
 - (b) Motions other than Government Motions
 - (c) Bills other than Government Bills
- (4) When the Assembly resolves into Committee of the Whole on the second Wednesday of a Session that private members' business is to be considered, and every second Wednesday thereafter, the order of business shall be as follows:
- Government private members' business:
 - (a) Motions for the Production of Papers
 - (b) Motions other than Government Motions
 - (c) Bills other than Government Bills
 - Government Designated Business
 - Motions Respecting Committee Reports
 - Opposition private members' business:
 - (a) Motions for the Production of Papers
 - (b) Motions other than Government Motions
 - (c) Bills other than Government Bills

Calling Bills other than Government Bills on Wednesday

- 14.1(1) On the first Wednesday of a Session that private members' business is to be considered, and every second Wednesday thereafter, at 4:30 p.m., Bills other than Government Bills shall be called if there are any on the Order Paper standing in the name of Opposition private members.
- (2) On the second Wednesday of a Session that private members' business is to be considered, and every second Wednesday thereafter, at 4:30 p.m., Bills other than Government Bills shall be called if there are any on the Order Paper standing in the name of Government private members.
- (3) The provisions of this Standing Order do not apply if the procedures set out in Standing Order 14.2 are used to determine the order of business on Wednesdays.

In practice, the procedures set out in Standing Order 14.2 are always used to determine the order of business on Wednesdays.

Order of Private Members' Business on Wednesdays

- 14.2(1) The order of private members' business on Wednesdays may be determined as set out in this Standing Order.
- (2) 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 roster shall be set in the following manner:
- (a) the Official Opposition shall have the first, second and fifth positions on the roster;
 - (b) a party or group in opposition to the government, other than the Official Opposition, shall have the third, fourth and sixth positions on the roster,
 - (c) notwithstanding Standing Order 14.2(2)(b), an independent member in opposition shall have the fourth position on the roster; and
 - (d) where there are two or more independent members in opposition, the Speaker shall determine the allocation of the fourth position on the roster to those members.

Note that Standing Order 14.2(2) refers to a roster being established at "the beginning of each Session..." The roster is not subject to change during the course of a Session even if the composition of opposition caucuses changes. A Session begins with a Throne Speech and ends with prorogation, so – procedurally speaking – the Spring and Fall Sittings of the Assembly are not "Sessions." The formula for the roster

reflects the composition of opposition caucuses at the time this Standing Order was adopted. That is why it does not take into account situations where the opposition caucuses are not the same size.

- (3) When Opposition private members' business has precedence, no later than the time at which the Assembly proceeds to Orders of the Day on the sitting day preceding the call of Opposition private members' business:
- (a) the Leader of the Official Opposition or designate may, on behalf of the members of the Official Opposition, identify the order in which the items standing in their names on the Order Paper or on the Notice Paper shall be called; and
 - (b) the members of a party or group or independent member in opposition to the government, other than the Official Opposition, may identify the order in which the items standing in their names on the Order Paper or on the Notice Paper shall be called.

An item identified under this Standing Order may be chosen from any of the following headings:

- (a) Motions for the Production of Papers
- (b) Motions other than Government Motions
- (c) Bills other than Government Bills

As private members' business is taken up on Wednesdays the opposition House leaders will rise after Question Period on the preceding sitting day (usually Tuesday) to identify the business to be taken up under Orders of the Day on Wednesday. So, under normal circumstances, the House has 24 hours' notice of the order of private members' business. The House leaders do not have to identify any private members' business for Wednesday if they do not wish to proceed with private members' business on that day. In such a case, pursuant to Standing Order 14, the House would instead proceed to Motions Respecting Committee Reports (which are rarely on the Order Paper), and (usually) Government business. In order for a motion to be eligible for debate on a Wednesday it must be in that part of the Order Paper called 'Motions Other Than Government Motions' or on the Notice Paper which is attached to Tuesday's Order Paper. This, in turn, means notice of the motion would have to have been given on the sitting day prior to Tuesday. This is usually Monday, but if the House does not sit on a Monday because, for example, that day is a statutory holiday, notice would have to be given the previous Thursday.

- (4) When Opposition private members' business has precedence, the items identified under Standing Order 14.2(3) shall be called according to the order of the roster established under Standing Order 14.2(2).

- (5) After an item standing in the name of an Opposition private member has been dealt with, the position held in the roster by that member's party or group shall drop to the bottom of the roster.
- (6) On Opposition private members' day, an item on which debate has not begun by 5:00 p.m. and on which debate has been adjourned, shall be called first on the next day on which Opposition private members' business is called if the item is identified pursuant to Standing Order 14.2(3); otherwise, the item shall be considered dealt with and the roster changed in the manner set out in Standing Order 14.2(5).

If debate on a private member's bill or motion begins before 5:00 p.m. that roster spot will be considered used once the House adjourns that day, even if no decision is taken on the bill or motion. This is not necessarily the case if the debate begins after 5:00 p.m. In that case the roster spot is preserved for the next opposition private members' day, but only if the same bill or motion is recalled for continued debate.

- (7) When Government private members' business has precedence, the Government House Leader or designate, no later than the time at which the Assembly proceeds to Orders of the Day on the sitting day preceding the call of Government private members' business, may, on behalf of the Government private members, identify the order in which the items standing on the Order Paper or on the Notice Paper in the name of Government private members shall be called.
- (8) An item shall be considered dealt with when it comes to a vote, when debate is adjourned, except as provided for in Standing Order 14.2(6), or when a member asks for and receives unanimous consent for it to be allowed to stand.

Unanimous consent to waive rules

- 14.3 The Assembly may, by unanimous consent, suspend its Standing Orders or waive procedural requirements and precedents.

Standing Order 14.3 is commonly used to expedite business. Requests for unanimous consent are most commonly used in Committee of the Whole to deem clauses of a bill read and agreed to, or to clear lines in a departmental vote during consideration of an appropriation (budget) bill. This standing order is also used to waive the notice requirement for motions that the House wishes to deal with immediately. The Clerks-at-the-Table can provide members with templates for commonly used requests for unanimous consent.

A request for unanimous consent is not a motion and cannot be formally amended or

debated. The request is either granted as requested, or it is not. Therefore, the request must be clear and specific. The request must relate to an action that the House will undertake immediately. When such a request is made the Speaker or Chair will immediately put the request to the House or Committee.

The House cannot, through its Standing Orders, waive a legal requirement: “A statutory requirement supersedes any order of the House to which it applies.” (*House of Commons Procedure and Practice*, 2nd edition, page 589.) Therefore, Standing Order 14.3 does not apply to any standing order or procedural requirement required by law. Standing Orders that are immune from Standing Order 14.3 include:

- Standing Order 3(1) – Quorum
- Standing Order 4(2) – The Speaker’s casting vote
- Standing Order 61(1) – Money Message
- Standing Order 68 – Corrupt Practices

The use of unanimous consent to waive a rule, procedural requirement or precedent in a given instance does not, itself, establish a precedent (*House of Commons Procedure and Practice*, 2nd edition, page 591). Unanimous consent cannot be used to compel a member to perform an action (*Beauchesne’s*, 6th edition, §20, page 7).

On May 28, 2002 a member requested unanimous consent to deem carried motions for the Third Reading of six bills. The Speaker ruled the request out of order saying, “The accepted practice is to deal with each bill individually...” (*Hansard*, page 3822)

Motion to Adjourn the Assembly

- 15 A motion to adjourn, except when made for the purpose of discussing a matter of urgent public importance, shall always be in order, but no second motion to adjourn shall be made until after some intermediate proceeding has taken place.

“An adjournment is the termination of a sitting day (pursuant to a Standing or Special Order, or by motion). An adjournment covers the period between the end of one sitting day and the beginning of the next. It can be of varying duration —overnight, over a weekend, a week or longer. While the prorogation or dissolution of the House are prerogative acts of the Crown, the power to adjourn rests solely with the House” (*House of Commons Procedure and Practice*, 2nd edition, page 361). In Yukon special adjournment orders have been used rarely since Chapter 14 became part of the Standing Orders in 2001. Also, in Yukon prerogative acts are taken by the Commissioner on the advice of the Premier.

“The term intermediate proceeding...means a proceeding that can properly be entered on the Journals...[the term] is not applied to arguments but it covers such things as utterances bearing directly on making motions, moving amendments, presenting reports, putting the questions, answering questions placed on the Order Paper, voting, naming a Member; it is construed as relating to procedure and not to debates.” (*Beauchesne*, 6th edition, §385, page 112-113)

Matter of Urgent Public Importance

As far as can be determined, the last time the Speaker ruled in order a motion “THAT the ordinary business of the Legislative Assembly be adjourned” to debate a matter of urgent public importance was on Monday, April 5, 1993. The matter to be debated was Curragh Incorporated’s shutdown notices for the Faro and Sa Dena Hes mines and the company’s application for bankruptcy protection.

The form of the motion - “THAT the ordinary business of the Legislative Assembly be adjourned” – is the same regardless of the subject matter that a member wishes to raise. Therefore, the motion cannot be amended. Leave to debate the motion is granted, or it is not.

- 16(1) Leave to make a motion for the adjournment of the ordinary business of the Assembly to debate a matter of urgent public importance must be requested after the Daily Routine and before Orders of the Day.

According to the sixth edition of *Beauchesne’s Parliamentary Rules & Forms* “Urgency...does not apply to the matter itself, but means “urgency of debate”, when the ordinary opportunities provided by the rules of the House do not permit the subject to be brought on early enough and the public interest demands that discussion take place immediately.” (§390, page 113) Note that both conditions – a lack of opportunity to debate the issues according to the rules **and** the importance of the matter itself – in order to satisfy the urgency requirement.

- (2) A member wishing to move "That the ordinary business of the Assembly be adjourned," shall give to the Speaker and House Leaders, at least two hours prior to the opening of a sitting day, a written statement of the matter proposed to be discussed and any relevant background material. If the urgent matter has not come to the attention of the member at least two hours prior to the sitting day, the member shall give the written statement to the Speaker and the House Leaders as soon as possible before the opening of the sitting day.

Note that Standing Order 16(2) does not require the member wishing to move the motion to provide the written statement and background material to an independent member.

- (3) If two or more written statements have been received pursuant to this Standing Order, the Speaker shall decide the order in which they shall be presented to the Assembly.
- (4) The member requesting leave and one member from each of the other parties in the Assembly may speak to the request for not more than five minutes each.

The member making the request should not give the Assembly information not given to the Speaker and the House Leaders in the written statement and background material referred to in Standing Order 16(2). Note that independent members do not have the opportunity to participate at this point.

- (5) The Speaker shall then rule whether the request for leave is in order and of urgent public importance and, if the Speaker rules that the request for leave is in order and of urgent public importance, the Speaker shall ask the Assembly whether the member has the leave of the Assembly.

In dealing with the request “THAT the ordinary business of the Legislative Assembly be adjourned” to debate a matter of urgent public importance on Monday, April 5, 1993, all the members who spoke pursuant to Standing Order 16(4) indicated that their caucus wished to debate the matter raised by the member who made the request. Therefore, the Speaker did not rule whether the request was in order. The debate proceeded, concluded without a vote and the House then proceeded to Orders of the Day.

- (6) If three or more members rise in their places, the Speaker shall call upon the member who requested leave.

In other words, if three or more members rise in their places the member making the request has been granted leave and may then move the motion.

- (7) If fewer than three members rise in their places, the question whether the member has leave to move the adjournment of the ordinary business of the Assembly shall be put immediately, without debate or amendment.

- (8) If the Assembly determines to set aside the ordinary business of the Assembly to discuss the matter of urgent public importance, each member who wishes to speak in the discussion shall be limited to fifteen minutes, and the debate will conclude
- (a) when all members who wish to take part have spoken; or
 - (b) at the normal hour of adjournment whichever is first.

Note that pursuant to this standing order the debate on the motion “THAT the ordinary business of the Legislative Assembly be adjourned” cannot be ended by a motion “THAT the debate be now adjourned.”

- (9) If all members who wish to take part in the debate have spoken and the Assembly has not reached the normal hour of adjournment, the Assembly shall then proceed, without question put, to the Orders of the Day.

- (10) A debate on a matter of urgent public importance does not entail any decision by the Assembly.

In other words there is no vote on a motion that adjourns the ordinary business of the House in favour of a matter of urgent public importance. This is why it is out of order to request leave to debate a motion that requires a decision of the House, for example, a motion for second reading of a bill.

- (11) The right to move the adjournment of the ordinary business of the Assembly under this Standing Order is subject to the following restrictions:
- (a) only one such motion shall be allowed on any sitting day;
 - (b) the motion shall not revive discussion on a matter that has been discussed in the same Session;
 - (c) the motion shall not anticipate a matter that has been previously appointed for consideration by the Assembly;
 - (d) the motion shall not be on a question of privilege; and
 - (e) the debate shall not raise a question that may be debated only on a distinct motion under notice.

There are separate processes to deal with items referred to in Standing Order 11(d) and 11(e).

CHAPTER 3
RULES OF DEBATE

Member Recognized by the Speaker

- 17(1) Every member desiring to speak shall rise in his or her place and address the Speaker.

“A Member must be in his or her designated place and must stand in order to be recognized and to speak. These stipulations are a practical necessity in view of the difficulties involved in recognizing Members if each Member were free to speak while seated in a different place every time he or she addressed the House. The Speaker may exempt any Member with a disability from these requirements on an ongoing basis. Otherwise, individual exceptions to these two conditions have occurred, for example, when a Member has been unable to rise as a result of an injury or illness...

“Any Member participating in debate must address the Chair, not the House, a particular Minister or Member, the galleries, or the television audience. Since one of the basic principles of procedure in the House is that the proceedings be conducted in terms of a free and civil discourse, Members are less apt to engage in direct heated exchanges and personal attacks when their comments are directed to the Chair rather than to another Member. If a Member directs remarks toward another Member and not the Speaker, he or she will be called to order and may be asked to rephrase the remarks.” (*House of Commons Procedure and Practice*, 2nd edition, pages 604-605)

- (2) 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.

Procedurally, it is the Speaker who determines the order in which members will address the question before the House. However, the Speaker will follow arrangements made by the members (usually the House Leaders) to determine a speaking order.

Member Withdrawing from Debate

- 18 If anything shall come into question concerning the conduct, election, or right of any member to hold a seat, that member may make a statement and shall then withdraw from the debate.

The member whose conduct is in question may make a statement on the matter if he or she wishes. However, the member must withdraw from the Chamber for the debate and does not participate in any vote thereon.

Member Called to Order During Debate

- 19 A member shall be called to order by the Speaker if that member:
- (a) speaks twice to a question, except in the case of a mover in concluding debate, or in explanation of a material part of a speech in which that member may have been misunderstood, in which case the member shall not introduce new matter;
 - (b) speaks to matters other than
 - (i) the question under discussion, or
 - (ii) a motion or amendment the member intends to move, or
 - (iii) a question of privilege or a point of order;

Standing Order 19(b)(i) is meant to deal with situations where a members remarks are not relevant to the bill, motion or amendment before the House. Determining relevance can be difficult for the Chair as the relevance of a speech may not be obvious until the member has spoken at some length.

- (c) persists in needless repetition or raises matters that have been decided during the current Session;

This Standing Order can also be difficult to apply. While it may be obvious that a member is repeating information given earlier in his or her speech it is not always clear whether the repetition is “needless” or, in fact, serves a purpose.

- (d) in the opinion of the Speaker, refers at length to debates of the current Session or reads unnecessarily from Hansard or from any other document, but a member may quote relevant passages for the purposes of a complaint about something said or of a reply to an alleged misrepresentation;

This rule can also be difficult to apply. It is not always clear to the Speaker whether the reading from Hansard or another document is necessary or not.

- (e) reflects upon any vote of the Assembly unless it is that member's intention to move that it be rescinded;

This Standing Order is designed to prevent a member from raising a matter that has already been decided by the House. Note that the Standing Order refers to

“any vote of the Assembly”, in other words, a decision taken by the House. It does not prohibit a reference to how an individual member voted on a matter before the House.

- (f) refers to any matter that is pending in a court or before a judge for judicial determination where any person may be prejudiced in such matter by the reference;

This is often referred to as the ‘*sub judice* convention’, that elected members will not discuss, in the Assembly, matters that are currently before a court of law. This convention was adopted to ensure that legislators did not exercise undue influence on legal proceedings. The difficulty in applying this Standing Order is that the Chair will not necessarily know whether a particular matter is before a court or the stage it has reached. A legal proceeding can be ‘before a court’ for a long period of time before it comes to trial.

- (g) imputes false or unavowed motives to another member;

Standing Orders 19(g) through (k) deal with what is known as “unparliamentary language.” According to the second edition of *House of Commons Procedure and Practice*:

“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 obscenities are not in order. A direct charge or accusation against a Member may be made only by way of a substantive motion for which notice is required...Since the Speaker must rule on the basis of the context in which the language was used, points of order raised in regard to questionable language must be raised as soon as possible after the alleged irregularity has occurred.” (page 618)

“In dealing with unparliamentary language, the Speaker takes into account the tone, manner and intention of the Member speaking; the person to whom the words at issue were directed; the degree of provocation; and, most importantly, whether or not the remarks created disorder in the Chamber. Thus, language deemed unparliamentary one day may not necessarily be deemed unparliamentary the following day. The codification of unparliamentary language has proven impractical as it is the context in which words or phrases are used that the Chair must consider when deciding whether or not they should be withdrawn. Although an expression may be found to be acceptable, the Speaker has cautioned that any language which leads to disorder in the House should not be used.

Expressions which are considered unparliamentary when applied to an individual Member have not always been considered so when applied “in a generic sense” or to a party.” (*House of Commons Procedure and Practice*, 2nd edition, page 619)

As such members may not, pursuant to Standing Order 19(g), accuse one another of acting based on unworthy motives. Members must be especially careful not to suggest that another member is engaged in a conflict of interest. An accusation of a conflict of interest is a serious matter and the existence of a real or perceived conflict of interest is for the Conflict of Interest Commissioner to determine, pursuant to the *Conflict of Interest (Members and Ministers) Act*.

(h) charges another member with uttering a deliberate falsehood;

Members may not accuse other members of deliberately attempting to mislead the House. It is up to the Speaker to decide what constitutes an accusation of “uttering a deliberate falsehood” as opposed to a dispute about facts. Words and phrases that have drawn the intervention of the Chair include: “liar”, “lying” “mislead” or “misleading”; “nothing could be further from the truth”; and “That’s not true and the member knows that.”

(i) uses abusive or insulting language, including sexist or violent language, in a context likely to create disorder;

Presiding officers will often caution members to refrain from personalizing the debate and ask them to focus on the subject matter at hand. Of particular concern under ‘violent language’ is any language that would constitute a threat against a member or another person. Figuratively violent language – ‘flogging a dead horse’ – may be discouraged but is not technically out of order.

(j) speaks disrespectfully of Her Majesty or of any of the Royal Family; or
(k) introduces any matter in debate that, in the opinion of the Speaker, offends the practices and precedents of the Assembly.

For example, it is not in order for a member to suggest that another member is not upholding the oaths he or she has taken. It is also not in order for members to use language that is beneath the dignity of the Assembly – i.e., swear words and other vulgar expressions.

Time Limits During Debate

20(1) Unless otherwise provided for in these Standing Orders, when the Speaker is in the Chair, no member, except a member moving a motion and the member

speaking in reply immediately thereafter, shall speak for more than twenty minutes.

In other words the member moving the motion and the member speaking first in reply have unlimited time to speak to the main motion. All other members have a maximum of 20 minutes, except during debate on the motion for an Address in Reply to the Speech from the Throne, and second reading of a main appropriation bill, when the time limit is a maximum of 40 minutes.

Procedurally, the member deemed to be speaking “first in reply” will be the first member on the side opposite from the mover of the motion to speak to the motion. This member should speak immediately after the mover of the motion in order to be eligible to speak for more than 20 (or 40) minutes.

The phrase “when the Speaker is in the Chair” refers to any debate that takes place during Orders of the Day. The same rule applies even in the Deputy Speaker (or other member) is presiding over the debate.

- (2) During debate on the motion for second reading of a main appropriation bill, no member, except a member moving a motion and the member speaking in reply immediately thereafter, shall speak for more than forty minutes.

In other words, when debating a main budget bill (not a supplementary budget bill or an interim supply bill) at Second Reading (not Third Reading) the member moving the motion and the member speaking first in reply have unlimited time. All other members have a maximum of 40 minutes.

Right of Reply and Closing Debate

- 21(1) A reply shall be allowed to a member who has moved a substantive motion, but not to the mover of an amendment, the previous question or any instruction to a Committee.

A member who moves a substantive motion – rather than a procedural motion – including a motion for second or third reading of a bill, has a maximum of 20 (or 40) minutes to close debate on the motion, once all members who wish to speak to the motion have spoken. The mover of an amendment or subamendment does not have a right of reply.

- (2) When no further members appear to be rising to participate in debate on a motion, the Speaker shall state "Are you prepared for the question?" and, if a

member should rise who has the right to participate in the debate, the Speaker shall recognize that member.

In other words debate does not necessarily end when the Speaker asks the House if it is prepared for the question (i.e. to vote on the motion).

- (3) When the mover of the original motion rises to speak in reply, the Speaker shall inform the Assembly that the reply would close debate and any member who has not spoken and who wishes to speak shall be allowed to do so before the reply.

When the mover of the motion gets up to close debate the Speaker will inform the House that, "If the member now speaks he (or she) will close debate." The Speaker will then ask, "Does any other member wish to be heard?" If another member rises at that point he or she will be recognized by the Chair. If not, the mover of the motion gets to close debate on the motion. Once that is done there can be no further debate.

Point of Order and Question of Privilege

The raising of a "Point of Order" refers to an intervention by a member, during parliamentary proceedings, where the member believes that one of the Assembly's standing orders or established practices has been breached. A member who believes a rule or established practice has been breached should raise the point of order as soon as the alleged breach occurs so that the Speaker, or Chair, may deal with the matter while it is fresh in everyone's mind. There are additional reasons that a breach should be brought up at the time it occurs. When a point of order is raised, it falls to the Chair to deliver a decision that may affect how the proceedings, from that point in time, proceed. As the Chair's ruling on a point of order can affect how the debate unfolds, to raise an alleged breach after the House has moved on to other matters, is too late (even with *Hansard* in hand, detailing the events that occurred).

The raising of a "Question of Privilege" refers to an intervention by a member, during parliamentary proceedings, where the member believes that one of the member's privileges as a member, or one of the privileges of the Assembly as a whole, has been violated – either by another member or some other person or group. Violations of privilege rarely take place in the House and usually involve actions outside the House that obstruct a member in performing his or her duties as a member. The nature of parliamentary privilege and the process for raising questions of privilege are described in Standing Order 7 and the annotations.

- 22(1) A member speaking, if called to order by the Speaker or if a point of order or a question of privilege is raised by another member, shall sit down while the point of order or question of privilege is being stated, after which the member may resume his or her address or make a statement relating to the point of order or question of privilege.
- (2) The Speaker may permit debate on a point of order or question of privilege before giving a decision but the debate must be strictly relevant to the point of order or question of privilege raised.

When a point of order or question of privilege is raised the Speaker may seek the input of members. Members who wish to discuss the point of order should confine themselves to procedural points. They should not continue discussing the business before the House, neither should they attempt to tell the Speaker how to rule (i.e. “there is (or is not) a point of order (or question of privilege).” That is for the Speaker to decide. The Speaker does not have to accept the input of any and all members who wish to speak to a point of order or a question of privilege. The Speaker may end discussion as soon as he or she is satisfied the matter has been dealt with, or he or she is prepared to rule. A member may not raise a new point of order while the House is discussing a point of order already raised. The member has to wait until consideration of the point of order under discussion is concluded before raising a new point of order.

Naming a Member

According to the second edition of *House of Commons Procedure and Practice*, “The most severe sanction available to the Speaker for maintaining order in the House is ‘naming’, a disciplinary measure reserved for Members who persistently disregard the authority of the Chair. If a Member refuses to heed the Speaker’s requests to bring his or her behaviour into line with the rules and practices of the House, the Speaker has the authority to name that Member (i.e., to address the Member by name rather than by constituency or title, as is the usual practice) and, without putting the question to the House, to order his or her withdrawal from the Chamber for the remainder of the sitting day. During debate in a Committee of the Whole House, if a Member persists in disorderly conduct and refuses to obey the injunction of the Chair to desist, the Chair of the Committee rises and reports the conduct of the Member to the Speaker. The Chair may do this on his or her own initiative without recourse to a motion from the Committee. The Speaker will then ordinarily follow the procedure for naming the Member. The power to name a Member extends as well to the Deputy Speaker and Acting Speaker.” (page 310)

- 23(1) If a member, on being called to order for an offence against any Standing Order, persists in the offence, the Speaker may direct that member to discontinue speaking and to sit down. If the member refuses, the Speaker shall name that member to the Assembly.

Note that the act that gets a member named is not the initial offence against the Standing Orders; it is acting in defiance of the Speaker's direction. That being said, situations where naming may occur are usually rather heated so the Speaker will exercise patience and give the offending member ample opportunity to comply before naming him or her. Naming is a very rare occurrence in the Legislative Assembly. The last time a member of the Yukon Legislative Assembly was named was on April 14, 1998. Prior to that incident naming had last occurred on November 22, 1982.

- (2) A member who has been named shall be suspended from the Assembly for the remainder of the sitting day. A motion without notice may be moved to increase the length of the suspension of a named member and the motion shall be decided without debate or amendment.

A member who is named and suspended will, pursuant to paragraph 39(5)(c) of the *Legislative Assembly Act*, have \$100 deducted from the indemnity payable to them as a member. Note that naming by the Speaker results in a member being suspended for the remainder of the sitting day. Only the Assembly, by way of a motion, can suspend a member for a longer period of time.

- (3) If any member suspended from the service of the Assembly refuses to obey the direction of the Speaker, the Speaker shall call to the attention of the Assembly that force is necessary in order to compel obedience.
- (4) The decision of the Speaker is final.

Debatable and Non-debatable Motions

- 24(1) A motion is debatable which is:
(a) standing on the Order Paper;

The phrase "standing on the Order Paper" refers to the Order Paper for the day on which the motion would be debated. The term "Order Paper" includes the document "Motions Other Than Government Motions" but does not include the Notice Paper, although it is appended to each day's Order Paper.

- (b) for concurrence in a report of a Committee;
(c) for the previous question;

- (d) for the Second Reading of a bill;
- (e) for the Third Reading of a bill;
- (f) for the withdrawal of a bill;

The sponsor of a bill may ask for unanimous consent to have his or her bill withdrawn. If another member wishes to see a bill withdrawn he or she must move a motion, which is debatable.

- (g) for the adjournment of the ordinary business of the Assembly when made for the purpose of discussing a matter of urgent public importance;

See Standing Order 16.

- (h) for the adoption, in Committee of the Whole, of the item under consideration;
- (i) for the appointment of a Committee;
- (j) for reference to a Committee of any matter;
- (k) for the suspension of any Standing Order;

A motion for the suspension of a standing order is not the same as a request for unanimous consent pursuant to Standing Order 14.3. The former, if carried, would eliminate the application of the Standing Order for an indefinite or specified period of time. The latter only waives the application of the Standing Order in a particular instance. The rule is still 'on the books.' Also, procedurally, the latter is a request, not a motion, and is not debatable.

- (l) for the Production of Papers; or
- (m) required for the observance of the proprieties of the Assembly, the maintenance of its authority, the appointment or conduct of its officers, the management of its business, the arrangement of its proceedings, the correctness of its records, the fixing of its sitting days or the times of its meeting or adjournment.

Motions that fall into this category include motions that would have the Assembly not sit on a day when it would normally be in session.

- (2) All other motions, including motions for the adjournment of the Assembly or of debate, shall be decided without debate or amendment.

Divisions

Once a debate has concluded the Speaker will ask the members if they are "prepared for the question" that is, whether they are prepared to vote on the bill

or motion before the House. If members indicate that they are the Speaker will ask the members if they agree with the motion before them. The members indicate by their voices if they agree or disagree with the motion. If the Speaker cannot determine whether the 'yeas' or 'nays' are in the majority, or at the request of two members, the Speaker will conduct a division. A division is a recorded vote that divides the members into two groups (the yeas and nays) in order that the Assembly may reach a decision on the question before it. The Clerk polls each member in turn and records their individual votes on a division sheet. The division sheet goes into the Assembly's working papers and the individual votes, and the overall result, are recorded in *Hansard* and in the *Votes and Proceedings*.

- 25(1) A division shall be called
- (a) if two members rise in their places and say "division"; or
 - (b) if the Speaker is unable to ascertain the count from the voice vote.
- (2) When a division is called for, either before the question is put or after the voice vote, the Speaker shall immediately ring the division bells.

The ringing of the division bells serves a two-fold purpose: First to alert any members who may be outside the Chamber to return to the House for a vote, and second, to present any member already in the Chamber who does not wish to vote on the matter, with the opportunity to leave the Chamber. This latter opportunity is necessary as members present for a vote are not allowed to abstain (see Standing Order 25(6)).

- (3) Once the bells have started ringing, no further debate shall be permitted.
- (4) No sooner than two minutes nor longer than five minutes thereafter, the Speaker may again state the question following which the Speaker shall order the taking of the division.

According to this Standing Order the bells must ring for at least two minutes, even if all members are present. This allows members who do not wish to vote on the motion to leave the chamber, which is required, as Standing Order 25(6) does not permit abstentions. If all members are present the bells may be shut off and the division taken after two minutes, but before the full five minutes have expired. After five minutes the division shall be taken regardless of the number of members in the House. In practice, the division may be taken before two minutes have elapsed, if there is unanimous consent to do so. However, the Speaker may choose to not conduct an 'early' division in order to protect the right to vote of any member who is not present.

- (5) No member shall enter or leave the Assembly during the final statement of the question, nor then leave the Assembly until the division has been fully taken and the result announced.

All members intending to participate in a division shall be in their place before the division commences and shall remain in their places until the Speaker announces the result of the division. There have been instances where members have not been allowed to participate in a division because the member entered the Chamber after the division had begun.

- (6) Each member present shall vote unless he or she has a direct pecuniary interest.

On November 18, 1981 Bill No. 102, *An Ordinance To Amend The Labour Standards Ordinance*, was called for Second Reading. During the division a member indicated his intention to abstain from voting on the bill. The Speaker made the following statement: "Before the completion of the vote, I should advise the honourable Member that under the rules of the House, if a Member is present in the House, he must vote. If a Member ever wishes to abstain from voting, the time period allowed before the poll is taken, after division is called [during the ringing of the division bells], is allowed so that a Member may leave the Chambers. So, I would think that I would have to ask the honourable Member for Campbell to cast either a yea or nay vote in this matter." (*Hansard*, pages 314-315) The member voted in favour of the motion for second reading, to the applause of the assembled members. The motion was negatived.

- (7) Upon a division, the Yeas and Nays shall be entered in the Votes and Proceedings.
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CHAPTER 4

ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE

Proceedings for Debate on the Motion

- 26(1) The proceedings on the motion for an Address in Reply to the Speech from the Throne and on any amendments proposed shall not exceed three sitting days.

These do not have to be three consecutive sitting days.

- (1.2) During debate on the motion for an Address in Reply to the Speech from the Throne and on any amendments proposed, the time limit for speakers following the member moving the motion and the member speaking in reply immediately thereafter shall be forty minutes.

As with debate on Second Reading of a main budget bill the member moving the motion and the member speaking first in reply shall have unlimited time. All other members may speak for a maximum of 40 minutes. The mover of the motion may close debate with a reply of up to 40 minutes.

- (2) Any sitting day to be appointed for the consideration of this motion shall be announced by the Government House Leader and on any such sitting day this motion shall have precedence over all other business except for the Daily Routine.

The announcement by the Government House Leader is made in the House, without notice. The first announcement would be made on the day on which the Throne Speech is given.

- (3) On the first of the said sitting days, if a subamendment is under consideration at thirty minutes before the normal hour of adjournment, the Speaker shall interrupt the proceedings and put the question on the subamendment.

- (4) On the second of the said sitting days, if an amendment is under consideration at thirty minutes before the normal hour of adjournment, the Speaker shall interrupt the proceedings and put the question on the amendment.

If a subamendment were under debate thirty minutes before the normal hour of adjournment the Speaker would put the question on the subamendment and then

on the amendment.

- (5) The motion shall not be subject to amendment after the second sitting day of debate.

In other words, any amendments or subamendments will be dealt with by the end of the second sitting day. On the third sitting day the Assembly will deal with the motion in its final form (amended or not).

- (6) On the third of the said sitting days, at fifteen minutes before the normal hour of adjournment, the Speaker shall interrupt the proceedings and put the question on the motion.
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CHAPTER 5

NOTICE

Notice Required for Consideration of Motions

- 27(1) One clear day's notice shall be given of a motion for any of the following purposes:
- (a) For a resolution or address;
 - (b) For the appointment of any Committee;
 - (c) For concurrence in the report of a Standing or Special Committee;
 - (d) For the Production of Papers;
 - (e) For making, amending or repealing any Standing Order or rule;
 - (f) For referring a bill to a Select Committee after First Reading; or
 - (g) For any purpose not covered in Standing Order 27(3).

One clear day's notice means that if a motion is to be debated on a Wednesday, notice of the motion must be given by 5:00 p.m. Monday at the latest, with Tuesday standing as the 'clear' day.

- (2) Two clear days' notice shall be given of a motion for concurrence in the report of a Select Committee.

Note that this notice requirement is different than that which applies to reports of standing or special committees.

- (3) No notice shall be required for any of the following motions:
- (a) For any reading of a bill;

Notwithstanding this standing order, if a private member's bill is to be debated on a Wednesday the procedures outlined in Standing Order 14.2(3) shall be followed, i.e. the House must be informed on the previous sitting day (usually Tuesday).

- (b) For the amendment of a bill, motion or resolution excepting proposed amendments to a bill at the Select Committee report stage;

The rules regarding select committee reports on bills are dealt with in Standing Orders 62, 63 and 64.

- (c) For referring a matter to any Committee;

This standing order applies to a motion under debate. So, for example, if a motion for second reading of a bill is under debate no notice is required to move an

amendment to that motion which would see the bill referred to a standing, select or special committee after second reading – rather than committee of the whole, as is the usual procedure. However, a motion to refer a specific matter – as opposed to a bill – to an existing standing, select or special committee does not require notice (see Standing Order 30(b)). A motion to create a new standing, select or special committee to study a matter is dealt with under Standing Order 27(1) (b).

- (d) For the postponement of a question to a certain day;
- (e) For the previous question;
- (f) For reading the Orders of the Day;
- (g) For the adjournment of the Assembly or of a debate;
- (h) For dealing with a question of privilege;

See Standing Order 7 for the rules regarding questions of privilege.

- (l) for fixing a time of meeting or adjournment of the Assembly; or
- (j) For other matters of a merely formal or uncontentious nature.

- (4) A written notice under this Standing Order shall be sent to the Table before 5:00 p.m. and shall be printed in the Notice Paper the next sitting day.

See Standing Order 11(2) for more information on Notices of Motion.

Motion of Urgent and Pressing Necessity

- 28(1) 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.

A motion of urgent and pressing necessity is procedurally different from a motion of urgent public importance, moved pursuant to Standing Order 16. Two of the most important procedural differences are that in the case of a motion moved pursuant to Standing Order 16 the Speaker determines whether the request for leave to move the motion meets the requirements of the standing order before the motion is put to the House. In the case of a motion moved under Standing Order 28 unanimous consent of the House is required. Also, motions debated pursuant to Standing Order 16 do not entail a decision by the House. Motions moved pursuant to Standing Order 28 are votable.

- (2) 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.

Procedure for dealing with a Motion of Urgent and Pressing Necessity
Pursuant to Standing Order 28

1. A member will rise on a point of order after 'Ministerial Statement' and before Question Period.
2. The member will request the unanimous consent of the House to move a motion of urgent and pressing necessity, pursuant to Standing Order 28.
3. The member will present the motion to the House.
4. The member may briefly explain why he or she wishes to move the motion. No other Member may speak at this point.
5. The Speaker shall ask the House if there is unanimous consent to move the motion of urgent and pressing necessity.
6. If there is unanimous consent the member shall move the motion and the Speaker will put the motion to the House. The member moving the motion shall open debate. The House will follow the normal rules of debate for a substantive motion.
7. If unanimous consent is not granted the House will proceed to Question Period.

CHAPTER 6

MOTIONS, AMENDMENTS, THE PREVIOUS QUESTION

Motions

“In order to bring a proposal before the House and obtain a decision on it, a motion is necessary. A motion is a proposal moved by one Member in accordance with well-established rules that the House do something, order something done or express an opinion with regard to some matter. A motion initiates a discussion and gives rise to the question to be decided by the House. This is the process followed by the House when transacting business.

“While there may be many items on the Order Paper awaiting the consideration of the House, only one motion may be debated in the House at any one time. Once a motion has been proposed to the House by the Chair, the House is formally seized of it. The motion may then be debated, amended, superseded, adopted, negated, or withdrawn.

“A motion is adopted if it receives the support of the majority of the Members present in the House at the time the decision on it is made. Every motion, once adopted, becomes either an order or a resolution of the House. Through its orders, the House regulates its proceedings or gives instructions to its Members or officers, or to one of its committees. A resolution of the House is a declaration of opinion or purpose; it does not require that any action be taken, nor is it binding. The House has frequently brought forth resolutions in order to show support for an action or outlook.

“A motion must be drafted in such a way that, should it be adopted by the House, “it may at once become the resolution ... or order which it purports to be”. For example, it is usual for the text of a motion to begin with the word “That”. While examples may be found of motions with preambles, this is generally considered out of keeping with usual practice. It is customary for motions to be expressed in the affirmative. A motion should not contain any objectionable or irregular wording. It should be neither argumentative nor in the style of a speech.” (*House of Commons Procedure and Practice*, 2nd edition, pages 528-529)

There are exceptions to the rule that the adoption of a motion requires the support of only a majority of members. Section 2 of the *Ombudsman Act* says, “The Commissioner in Executive Council shall, on the recommendation of the Legislative Assembly made by at least two-thirds of the members of the Legislative Assembly, appoint as an officer of the Legislative Assembly an Ombudsman to exercise the

powers and perform the duties set out in this Act.” Similarly, subsection 18(4) of the *Conflict of Interest (Members and Ministers) Act* says, “In order to take effect, a resolution of the Legislative Assembly for the appointment or removal of a Member of the [conflict of interest] commission must be supported in a recorded vote by at least two-thirds of the Members present for the vote.”

- 29(1) 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.

A motion should seek to do only one – as opposed to a combination – of the above-mentioned actions.

- (2) A motion, once adopted, becomes an order or a resolution of the Assembly: an order when the Assembly requires it’s Committees, its members, or any other person to do something; a resolution when the Assembly declares its opinion or affirms a fact or a principle.
- (3) All motions other than those of a purely formal nature shall be in writing before being put from the Chair or debated.

Motions “of a purely formal nature” that do not have to be in writing include certain procedural motions, such as a motion to adjourn debate, to adjourn the House, or resolve into Committee of the Whole. These motions are not debatable, though they are votable.

- (4) Whenever the Speaker is of the opinion that a motion offered to the Assembly is contrary to the rules and privileges of the Assembly, the Speaker shall inform the Assembly immediately, quoting the applicable Standing Order or authority, and not put the question thereon.

This Standing Order refers to the point at which the Speaker would be called upon to put a motion to the House. For motions for which notice is required, the clerks will endeavor to ensure that motions adhere to the rules and privileges of the Assembly before those motions are placed on the Notice Paper. The Speaker will regularly inform the House of motions that have been withdrawn from the Order Paper because the motion has become irregular (it is outdated, the action requested in the motion has been taken in whole or in part, or because the motion refers to another piece of business that is no longer on the Order Paper, etc.).

- (5) Before a motion is debated, it shall be read from the Chair.

This gives the Speaker or Chair of Committee of the Whole the opportunity to review the motion for procedural propriety before it is put to the Assembly. This also helps to ensure that the Members (and any non-members who may be following the proceedings) are clear about exactly what it is that the Members will be debating (and often thereafter, rendering a decision on). The Chair's reading of the motion immediately before debate begins helps to ensure the matter is fresh in the minds of Members, and thereby may also help to keep speeches more relevant to the matter at hand. Members should refrain from opening their speech by repeating the motion, as this will already have been done by the Chair.

Other Motions Receivable During Debate

- 30 When a motion is under debate no motion may be received except
- (a) to amend it,
 - (b) to refer it to a committee,
 - (c) to postpone it to a certain day,
 - (d) for the previous question,
 - (e) for proceeding to the Orders of the Day,
 - (f) for proceeding to another order or item of business,
 - (g) to adjourn the debate, or
 - (h) for the adjournment of the Assembly.

On May 29, 2002 a member attempted to move a motion to adjourn debate on his own motion for second reading of a private member's bill. The Speaker ruled the motion to adjourn out of order (see *Hansard* page 3843). The reason for the Speaker's ruling is that a member may only have one motion before the House at any one time. Therefore, a member who has moved a motion cannot, during the course of his or her speech, then move a motion to adjourn debate on his or her motion. Nor can the member move a motion to amend his or her own motion, or move any of the other motions mentioned in this standing order.

Motion for Referral to Committee

- 31 A motion to refer a bill or motion to a Committee shall preclude all amendments to the main question.

"The main question" being the original motion under debate.

Adjourning and Resuming Debate on a Motion

- 32 A member who, on a previous sitting day, has moved "That debate be now adjourned" has entered the debate and shall be entitled to be heard first when that debate is resumed.

If the member who moved the motion to adjourn on a previous sitting day is limited in the amount of time he or she has to debate the motion, the member only has their remaining time when debate resumes. The clock does not re-set to 20 minutes or 40 minutes.

Dropping a Motion

- 33(1) A motion that has been twice called and not proceeded with shall be dropped but it may be restored to the Order Paper after due notice.
- (2) If a motion thus restored is called once and not proceeded with, it shall be dropped from the Order Paper.
- (3) This Standing Order does not apply to Motions for the Production of Papers.

In fact, this entire standing order has fallen into disuse.

Withdrawing a Motion

- 34 A member who has a motion on the Order Paper may withdraw the same only with the unanimous consent of the Assembly.

This Standing Order refers to motions which have been identified for debate. On Tuesday, October 30, 2001 the Government House Leader identified a government private member's motion for debate the following day. On Wednesday, October 31, 2001, when the motion was called for debate, the sponsor of the motion indicated his desire to not proceed with the motion so that the House could proceed with government business instead. As the motion had been identified for debate the previous day, this request required the unanimous consent of the Assembly. Unanimous consent was denied and the House proceeded with the motion. On Tuesday, May 28, 2002 the Third Party House Leader identified a motion for debate on Wednesday, May 29, 2002. When time came to debate the motion the sponsor asked for unanimous consent not to proceed with it. Unanimous consent was granted and the House proceeded with government business, as no further private members' business was identified for that day.

Amending a Motion

- 35 When taking part in a debate on an amendment to a motion:
(a) the member moving an amendment has the right to speak both to the main question and the amendment in one speech;

When the member speaking first in reply (who has unlimited time) moves an amendment to the motion under debate that member's time is no longer unlimited. He or she now has a maximum of 20 minutes to speak to his or her amendment. If an amendment is moved by a member who has a limited amount of time (20 or 40 minutes) to speak to the motion, that member may only use the remainder of their time to speak to their proposed amendment.

(b) a member, other than the mover, shall confine debate to the subject of the amendment.

This rule applies whether the member, other than the mover of the amendment, has already spoken to the main motion, or not. Once the House has made a decision on the amendment, a member who has not yet spoken to the main motion (or to the main motion-as-amended, as the case may be), may seek to be recognized to do so.

Previous Question

36(1) The previous question, until it is decided, shall preclude all amendment of the main question and shall be in the following words: "That the question be now put."

The 'previous question' is what is known as a superseding motion. It can be moved, without notice, when another motion is being debated. Debate on the previous question [THAT the [original] question be now put."] then supersedes (or, takes precedence over) debate on the original motion. The previous question can only be moved by a member who is in the process of debating the original motion. A member cannot rise on a point of order to move this motion. The previous question is a debatable motion.

(2) If the previous question is resolved in the affirmative, the original question shall be put forthwith without any debate or amendment.

(3) If the previous question is resolved in the negative, the debate on the original question shall proceed as usual.

CHAPTER 7

WRITTEN QUESTIONS DOCUMENTS TABLED

Written Questions

- 37(1) Written questions may be placed on the Order Paper seeking information from
- (a) members of the Executive Council relating to public affairs; and
 - (b) private members, including Committee Chairs, relating to any bill, motion or other public matter connected with the business of the Assembly in which such members may be concerned.

(2) Except to explain the written question or the answer, no argument or opinion shall be offered.

(3) No member shall have more than five written questions at a time on the Order Paper.

If a member has five written questions on the Order Paper and wishes to submit another, the member can make a request to the Speaker that one of the written questions already on the Order Paper be withdrawn.

(4) All replies to written questions shall be tabled as Legislative Returns during the Daily Routine.

This would occur when the Speaker calls for 'Tabling Returns and Documents.'

(5) Written questions, until answered, shall be printed each Monday on the Order Paper under the heading "Written Questions."

There is no deadline by which a written question must be answered.

Documents Tabled

- 38(1) 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.

This refers to documents that must be tabled (annual reports required by statute, for example), not those that members choose to table. These documents are entered into the Assembly's official records as Sessional Papers. Note that these documents must be tabled during the appropriate time during the Daily Routine. It

is not in order to table these documents during Question Period, during debate on a motion or during Committee of the Whole.

- (2) Any document presented to the Assembly by a member for the information of members may be tabled if accompanied by sufficient copies for distribution to all House Leaders and to the Table for placement in the working papers of the Assembly.

Over the years members have tabled a variety of documents some of which are already available to the public. While all of these documents may be tabled and distributed, the clerks will exercise discretion as to which of them will be placed in the working papers of the Assembly (the Assembly's official record). Documents tabled pursuant to this standing order, and put in the working papers, are referred to as Filed Documents. They usually consist of government reports (not required to be tabled by law) and correspondence between members, or correspondence between members and others. Documents that are publicly available are unlikely to be accepted as a filed document. No document will be accepted as a Filed Document if it is incomplete or has been altered in any way.

- (3) A record of any return, report or other paper so tabled or filed shall be entered in the Votes and Proceedings of the same day.

Only the tabling of a document accepted as a Sessional Paper or a Filed Documents is noted in the Votes and Proceedings for a sitting day. For other documents, the Votes and Proceedings will contain a notation 'see *Hansard* for other documents tabled.' Sessional Papers and Filed Documents are kept in the Assembly's working papers. They are not appended to the Votes and Proceedings for the sitting day on which they were tabled. Other tabled documents are not kept in the working papers.

Returns outstanding at prorogation not nullified

- 39 A prorogation of the Assembly shall not have the effect of nullifying an order or address of the Assembly for returns or papers, and any order not fulfilled during the Session at which it was made shall be fulfilled during the next Session, without renewal of the order.

Prorogation is a parliamentary mechanism that ends a session of the Legislative Assembly. Prorogation is done by way of a proclamation by the Commissioner, issued on the advice of the Premier. Unless a Spring or Fall Sitting of the Assembly is a complete Session, items on the Order Paper remain at the end of the Sitting will appear on the Order Paper at the beginning of the next Sitting. Proroguing a

session ends consideration of all business that is on the Order Paper when the session is prorogued. Bills, motions, motions for the production of papers, and written questions still before the Assembly at prorogation are said to 'die on the *Order Paper*.' But, as this Standing Order makes clear, prorogation does not nullify an order of the House for the return of documents or papers. In other words, an order of the House for the Government to return documents or papers to the House will remain in force even if a session is prorogued after the order is adopted. However, an order of the House for the return of documents or papers does not survive the dissolution of the Assembly for a general election.

CHAPTER 8

COMMITTEE OF THE WHOLE

Composition

- 40 There shall be a Committee of the whole Assembly called Committee of the Whole.

Committee of the Whole refers to all of the members of the Legislative Assembly sitting in the Chamber as a committee. Presided over by the Deputy Speaker as Chair of Committee of the Whole, the committee considers legislation, including appropriation bills and any other matters referred to it by the Assembly. Witnesses may also appear in Committee of the Whole. Pursuant to Standing Order 4(3) the Speaker may participate in Committee of the Whole as a private member, though this occurs only rarely.

“Each time the House resolves itself into a Committee of the Whole to deliberate on a specific matter, a new committee is created. Once that committee has completed its business, it ceases to exist. Over the span of a session, many Committees of the Whole can be created on an *ad hoc* basis.” (*House of Commons Procedure and Practice*, 2nd edition, page 913)

“The function of a Committee of the Whole is deliberation, not enquiry.” (*Beauchesne*, 6th edition, §901, page 249).

“Unlike standing committees which have the authority to initiate studies of continuing concern to the House, a Committee of the Whole may only consider questions and bills which the House decides should be dealt with in this particular forum.” (*House of Commons Procedure and Practice*, 2nd edition, page 914)

Motion to resolve into Committee of the Whole

- 41 A motion for the Assembly to resolve into Committee of the Whole shall be put immediately without debate or amendment.

This motion, usually moved by the Government House Leader, is “THAT the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.” “Put immediately” means the motion is moved without notice. The motion is not subject to debate or amendment, but it is votable. On May 28, 2002 the motion to resolve into Committee of the Whole was negatived on division.

Proceedings

- 42(1) The Standing Orders of the Assembly shall be observed in Committee of the Whole so far as may be applicable, except the Standing Orders limiting the number of times of speaking and the length of speeches.

During Committee of the Whole “Members may occupy and speak from places other than those regularly assigned to them.” (*Beauchesne*, 6th edition, §902(5), page 250). However, the practice in the Yukon Legislative Assembly is that members do occupy and speak from their usual place, except for those displaced from their seats by departmental officials who are assisting a minister.

- (2) Speeches in Committee of the Whole shall be strictly relevant to the item or clause under consideration.
- (3) No member shall speak for more than twenty minutes at a time in Committee of the Whole.

However, a member may speak as often as he or she wishes to an item under consideration in Committee of the Whole.

- (4) The Chair shall maintain order in Committee of the Whole, deciding all questions of order subject to an appeal to the Speaker. Disorder in Committee of the Whole can be censured only by the Assembly, on receiving a report thereon. No debate shall be permitted on any decision of the Chair.

However, “When an outbreak of disorder occurs in a Committee of the Whole, the Speaker may take the Chair immediately, without awaiting the ordinary forms.” (*Beauchesne*, 6th edition, §909, page 251).

“After the Chair of the Committee of the Whole has made a ruling, a Member may rise on a point of order and appeal the ruling to the Speaker. Such an appeal is not subject to debate. The Chair of the Committee immediately leaves the Chair at the Table, the Mace is placed back on the Table, and the Speaker takes the Chair again. The Chair of the Committee stands in front of the Speaker’s Chair and reports the incident and the ruling which has been appealed to the Speaker. The Speaker may hear from other Members on the matter before ruling.” (*House of Commons Procedure and Practice*, 2nd edition, page 923) As the Committee has not risen and reported progress, once the appeal is completed, the Speaker leaves the Chair, and the Committee resumes its deliberations.

- (5) The formal proceedings of Committee of the Whole shall be entered in the Votes and Proceedings.

The term “formal proceedings”, in this context, refers largely, but not exclusively, to motions moved in Committee of the Whole and matters related to those motions. These include motions to resolve into Committee of the Whole, to report a bill, to propose an amendment to a bill, for the appearance of witnesses in Committee of the Whole, and for the Speaker to resume the Chair. The Chair’s reports to the House, and the procedures invoked by the Chair on the final sitting day of a Spring or Fall Sitting pursuant to Standing Order 76 are also included in the *Votes and Proceedings*.

Motions

- 43(1) A motion that the Chair do now leave the Chair is always in order, shall take precedence over any other motion, and shall not be debatable.

This motion, usually moved by the Government House Leader is, “THAT the Speaker do now resume the Chair.” The effect of the motion is to end the activities of Committee of the Whole and to resolve back to the House.

- (2) Such motion, if rejected, shall not be moved again until after some intermediate proceeding has taken place.

See the annotation for Standing Order 15 with regard to the nature of an “intermediate proceeding.”

- (3) Whenever the Chair reports on the proceedings of Committee of the Whole to the Assembly, a motion to concur in the Chair's report shall be put immediately and decided without debate or amendment.

The usual form is for the Speaker to say to the Assembly, “You have heard the report from the Chair of Committee of the Whole. Are you agreed?” The members then indicate their agreement with the Chair’s report. While the motion is not debatable, a member could raise a point of order if the member believed that the Chair’s report did not accurately reflect what had been agreed to by Committee of the Whole.

Count in Committee of the Whole

- 44(1) Upon the request of two members, a count shall be called on any question.

A count in Committee of the Whole is procedurally similar to a division with the Speaker in the Chair. It is a procedure for counting the number of members that are in favour of, or opposed to, a motion. It is an alternative to a voice vote.

- (2) When a count is called for, either before the question is put or after the voices have been given, the Chair shall immediately ring the division bells.
- (3) Once the bells have started ringing, no further debate shall be permitted.
- (4) The Chair shall stop the bells, state the question and order the taking of the count after the bells have rung for five minutes.

In taking the count the Chair will ask those in favour of the motion to rise. The clerk-at-the-table will then count the 'yeas.' The Chair will then ask those opposed to the motion to rise. The clerk-at-the-table will then count the 'nays' and report the results of the count to the Chair. The Chair will then inform Committee of the Whole whether the motion has carried or not. If the count reveals a tie the Chair will exercise a casting vote. In so doing the Chair will cast the vote in a manner similar to that of the Speaker, as described in the annotations to Standing Order 4. Unlike a division with the Speaker in the Chair, the clerk-at-the-table does not poll members individually and there is no formal division sheet that records each member's vote.

During a count in Committee of the Whole any non-elected departmental officials seated near a Minister for the purpose of advising the Minister, must go beyond the Bar of the House when a count is called, so that members have the opportunity to resume their seats. Also, for the purposes of a count, members do not need to be in their own respective (i.e., assigned) places, as is the case in the House, for divisions. Finally, although the names of members participating in a count are not recorded, members cannot abstain from participating in a count, and so a member must leave the Chamber if they do not wish to take part in the count.

- (5) The Chair may stop the bells, state the question and order the taking of the count prior to the expiration of five minutes if:
 - (a) all members are present in the Chamber; or
 - (b) the House Leaders have indicated to the Chair that they would not object to proceeding with the count even though all members are not present in the Chamber.

The import of Standing Order 43(5)(b) is that the onus is on each individual member, particularly an independent member, to be aware of what is occurring in Committee of the Whole.

Deferred count in Committee of the Whole

- 44.1(1) When, in Committee of the Whole, a count is called for under Standing Order 44 at any stage of an appropriation or taxation bill, a House Leader or designate may approach the Chair to request that the count be deferred.

- (2) Upon receiving a request that the count be deferred the Chair shall inform the Committee that the count has been deferred.

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|---|
| In other words, the request from the House Leader or designate for a deferred vote shall be granted by the Chair. |
|---|

- (3) While an appropriation or taxation bill is being considered by the Committee, a count that has been deferred shall be taken immediately when the Assembly next resolves into Committee.
- (4) When Committee of the Whole has completed consideration of an appropriation or taxation bill and a count or counts remain to be taken, the Assembly shall, when it proceeds to Orders of the Day on the next sitting day following, be resolved, without motion, into Committee and all counts remaining to be taken shall be taken.
- (5) When a count is deferred pursuant to this Standing Order the Committee of the Whole shall continue with the business before it.

CHAPTER 9
COMMITTEES
WITNESSES
COMMITTEE REPORTS

Appointment of Standing Committees

A standing committee is a permanent committee established pursuant to this Standing Order. A standing committee may study matters referred to it by order of the Legislative Assembly or, if given authority in its terms of reference (the motion appointing the committee), undertake studies on its own initiative.

- 45(1) At the commencement of the first Session of each Legislature a Standing Committee on Rules, Elections and Privileges and a Standing Committee on Statutory Instruments shall be appointed.

The Standing Committee on Rules, Elections and Privileges (SCREP) is responsible for reviewing the Assembly's rules and procedures. This committee may also deal with questions surrounding the parliamentary privilege of the Assembly and its members. Due to the existence of a Chief Electoral Officer and the *Elections Act*, this committee would not, except in extraordinary circumstances, involve itself in elections issues. The Standing Committee on Statutory Instruments has the authority to review regulations that come into force after the committee is appointed. The Assembly may also refer existing or proposed regulations to this committee for review.

- (2) At the commencement of the first Session of each Legislature a Members' Services Board with the Speaker as Chair shall be appointed.

The Members' Services Board (MSB) is responsible for all matters of financial and administrative policy affecting the Assembly. MSB is also involved in the selection process for the Clerk of the Legislative Assembly, the Chief Electoral Officer, the Ombudsman (who is also the Information and Privacy Commissioner and the Public Interest Disclosure Commissioner), the Conflict of Interest Commissioner and the Child and Youth Advocate. MSB also reviews estimates for the Legislative Assembly (including the Conflict of Interest Commission), the Office of the Ombudsman, the Conflict of Interest Commission and the Child and Youth Advocate Office before they are included in the budget that the government presents to the Assembly. As this Standing Order designates the Speaker as Chair of MSB, the membership of MSB changes automatically if there is a change of Speaker. No motion of the House is required.

- (3) At the commencement of the first Session of each Legislature a Standing Committee on Public Accounts shall be appointed and the Public Accounts and all Reports of the Auditor General shall stand referred automatically and permanently to the said Committee as they become available.

As the Public Accounts are automatically and permanently referred to this committee it may examine any expenditure included in the Public Accounts.

It is a common practice in Yukon and in many other Canadian jurisdictions for the Chair of this committee to be an opposition Member. In Yukon the Leader of the Official Opposition has been the most frequent occupant of this Chair.

Section 32 of the *Yukon Act* says, "The Commissioner, with the consent of the Executive Council, shall, on or before such day of the fiscal year as the Legislative Assembly may fix, lay before the Legislative Assembly a report called the Yukon Public Accounts for the preceding fiscal year and the Legislative Assembly shall consider the report." Pursuant to this, section 8(2) of the *Financial Administration Act* says, "On or before October 31 in each year, the Minister [of Finance] shall lay the public accounts for the immediately preceding financial year before the Legislative Assembly or distribute them to the members of the Assembly."

- (3.1) A Standing Committee on Appointments to Major Government Boards and Committees may be appointed.

Note that this standing order stipulates that this standing committee may be appointed, unlike the other standing committees that must be established during the first Sitting of each Legislative Assembly. Standing orders to create this committee were adopted in 2000; however the first appointments committee was not established until 2007. The committee has been in existence since then.

- (3.2) The Standing Committee on Appointments to Major Government Boards and Committees:

- (a) shall review nominations and recommend appointments to the following major boards and committees:
- a. Yukon Development Corporation Board of Directors
 - b. Yukon Energy Corporation Board of Directors
 - c. Yukon Workers' Compensation Health and Safety Board
 - d. Yukon Lottery Commission
 - e. Yukon Recreation Advisory Committee
 - f. Yukon Arts Advisory Council
 - g. Yukon Utilities Board
 - h. Yukon Council on the Economy and the Environment;

- and
- i. Yukon Human Rights Commission;

- (b) may review other appointments proposed by the Executive Council that are referred to it by the Executive Council;

As the Standing Orders say that the committee “may” review such other appointments it is not obligated to do so. The process by which the Executive Council refers a proposed appointment to the committee involves a letter from the minister responsible for the entity in question to the Chair of the Committee requesting that the committee review one or more appointments.

Any communication to any committee of the Legislative Assembly – including the letter mentioned in this Standing Order – should be sent to the clerk to the committee for delivery to the committee Chair and/or committee members. In this way the clerk to the committee can ensure that the documents are delivered to the appropriate person and the committee’s records are complete.

- (c) shall meet in camera; and
- (d) shall prepare a report within 45 days of receipt of a proposed appointment or of proposed appointments and such report shall contain the appointment or list of appointments recommended by the Committee.

There is no procedural need to hold on to such a prepared report before releasing the Committee's recommended appointments; regardless of whether or not the recommended appointments are ultimately accepted or rejected by Executive Council (or whether a nominee later withdrew their name from consideration). The Committee's recommended appointments were and remain the Committee's recommended appointments.

- (3.3) The Chair of the Standing Committee on Appointments to Major Government Boards and Committees shall present all reports of the Committee to the Legislative Assembly but, if the Legislative Assembly is not sitting at the time a report has been agreed to by the Committee, the Chair shall transmit the report to all Members of the Legislative Assembly and then release the report to the public.

The transmission and release of the report is done by the clerk to the committee under the direction of the committee Chair.

- (3.4) When the Commissioner in Executive Council or, if applicable, a Minister, due to legal requirements or operational needs, has deemed it necessary to make an appointment prior to the expiration of the 45 day period, the Committee shall be notified in writing, by the Executive Council Office, of appointments made by a Minister or by the Commissioner in Executive Council.
- (4) At any time, a Special or Select Committee may be appointed to consider any matter referred to it by the Assembly.

Unlike standing committees, the existence of special and select committees are not mandated by the Standing Orders. Both special and select committees are composed of members appointed by motion of the Legislative Assembly to study a particular matter. An important difference is that once the chair of a special committee tables the committee's final report, the committee ceases to exist. A select committee may exist for the full length of a Legislative Assembly and issue multiple reports. This distinction has not been closely followed by the Legislative Assembly, but it should be noted that the Standing Orders that apply to these two types of committees, and their reports, are sometimes different.

- (5) No Standing, Special or Select Committee shall consist of more than seven members without the consent of the Assembly.

As all committees are established by order of the Assembly, the adoption of a motion identifying more than seven members to a committee constitutes consent.

- (6) The Clerk shall distribute to every member a list of the members comprising the Committees and the Members' Services Board.

This list is distributed by email as soon as practicable after the initial appointment of a committee (or committees), and as soon as practicable after a change to the membership of any committee.

Procedures

- 46(1) The member first named in the motion establishing the membership of any Committee shall call the first meeting of the Committee.

The member first named in the motion establishing the membership of any Committee is referred to as the 'Convenor.'

- (2) At the first meeting of a Committee, a Chair shall be elected who shall act as Chair during the life of the Committee.

Though the Convenor calls the first meeting of a committee, the election of the Chair is conducted by the committee clerk. Once the Chair is elected he or she will conduct the election of a Vice-Chair and preside over any other business to be conducted at the first meeting.

The usual practice is for a member of the governing party to be named Chair of a committee. The exception is the Standing Committee on Public Accounts, which is usually chaired by an opposition member, often the Leader of the Official Opposition. Committees may also select a Vice-Chair. Where the committee Chair is a government member, the Vice-Chair will usually be an opposition member, and vice-versa. Occasionally, the motion establishing the committee will identify a member to be Chair. An order of the House, in this regard, supersedes a decision of the committee.

The phrase “during the life of the Committee” means that the election as Chair is not limited to any time period. Nor is the Chair’s election nullified by a prorogation. The House, or the committee, can elect a new Chair if needed.

- (3) A majority of the members of a Committee shall constitute a quorum, unless otherwise specified in the motion establishing the Committee.
- (4) A notice of all Committee meetings shall be posted in the Legislative Assembly Office.

The schedule of committee meetings is maintained in the Legislative Assembly Office.

Membership Substitution and Replacement

- 47(1) A member who is not a member of a Committee may attend a Committee meeting for the purpose of presenting a submission to the Committee but shall not be permitted to vote.

Note that a member of the Assembly who is not a member of a committee may not attend a committee meeting simply to observe the committee’s proceedings. A committee is always in control of its own proceedings and has the authority to determine who can attend its meetings and for what purpose. This authority is subject only to an order of the House.

- (2) A member of a Committee who is unable, on a temporary basis, to attend the business of the Committee may delegate a stand-in member who shall have full voting privileges. Notice of the name of the substitute member shall be given to the Chair prior to the meeting.

A member who is unable to attend the committee meeting should give the Chair as much notice as is possible of the name of the stand-in member. This information should be sent to the clerk to the committee for communication to the Chair, or copied to the clerk to the committee in order that other members of the committee can be informed and so the clerk to the committee can supply the stand-in member with the materials (meeting agenda, minutes of the previous meeting, briefing materials, etc.) required for the member to participate in the meeting.

If a member is absent from a meeting of a committee of which he or she is a member, and does not arrange for a substitute member, the member may be subject to a deduction of \$100 from their indemnity, pursuant to sub-sections 39(5) and 39(6) of the *Legislative Assembly Act*.

- (3) A member of any Committee of the Assembly who is unable to attend the business of the Committee because of death, long illness, resignation from the Assembly, or resignation from the Committee, where accepted, may be replaced by a motion of the Assembly.

It is up to the House to decide upon the membership of its committees. Members, therefore, cannot simply resign their place on a committee. They must be removed or replaced by order of the House.

Witnesses

- 48(1) No witness shall attend before any Committee unless a written statement has first been filed with the Chair of the Committee by a member thereof, stating that the evidence to be obtained from the witness is material and important.

This Standing Order has fallen into disuse. Currently the practice for summoning witnesses to appear before a committee consists of the committee adopting an order (agreeing to a motion) for certain named persons to appear before the committee.

- (2) Subject to the appropriation of funds, the Clerk, upon the recommendation of a Committee, may pay to any witness called before a Committee a reasonable allowance for travelling and living expenses.

Committee Reports

- 49(1) A report from a Committee shall be signed by the Chair, on behalf of the Committee, and shall be presented to the Assembly by the Chair or by another member of the Committee authorized by the Chair or the Committee.

Committee reports are usually presented to the Assembly during a sitting day under the rubric "Presenting Reports of Committees." There is a process for making a committee's report public when the Assembly is not in session. However, the committee Chair will table the report in the regular fashion once the House reconvenes. Note that the presentation of a committee report to the Assembly by a member of the committee other than the Chair can be authorized by the Chair alone. During the 32nd Legislative Assembly, on November 8, 2010, two members of the Select Committee on Whistle-blower Protection attempted to table a draft of the committee's final report without the authorization of the Chair or the committee. The following day the Speaker, citing this Standing Order ruled the attempted tabling out of order. During the 33rd Legislative Assembly, on December 6, 2011, a member attempted to table the same report. The Speaker once again ruled the attempted tabling out of order.

- (2) A report from a Standing or Special Committee shall not be amended by the Assembly but may be concurred in, in whole or in part, rejected, or referred back to the Committee.

Note that this standing order does not apply to select committees. The rules regarding select committee reports on bills are dealt with in Standing Orders 62, 63 and 64.

Committee Documents

- 50(1) All documents which come into the possession of a Committee or which come into existence in the course of the conduct of the business and affairs of the Committee belong to the Committee before it reports to the Assembly and belong to the Assembly after the Committee reports to the Assembly, subject to any direction of the Speaker acting on an order of the Assembly.

A member appointed to a committee should note that all documents relating to the work of that committee belong to the committee. This limits the ways in which the member can share these documents and what can be done with the documents once the committee has concluded its business, or the member is no longer a member of the committee.

- (2) Notwithstanding Standing Order 50(1), where a Committee does not report to the Assembly before dissolution of the Legislature, all documents which came into the possession of the Committee or which came into existence in the course of the conduct of the business and affairs of the Committee belong to the Assembly upon its dissolution subject to
- (a) any directions of the Committee as to their disposal;

- (b) any directions as to their disposal contained in any order of the Assembly; or
 - (c) in the absence of any other directions, then in accordance with the directions of the Speaker.
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CHAPTER 10

PROCEEDINGS ON BILLS

Types of Bills

- 51(1) Bills shall be known and distinguished as Government Bills, Private Members' Bills and Private Bills.
- (2) Government Bills are bills introduced by Ministers relating to matters of administration or public policy of general application within Yukon.
- (3) Private Members' Bills are bills introduced by members other than Ministers, relating to matters of administration or public policy of general application within Yukon, and which do not involve the expenditure of public funds or the imposition of any tax.
- (4) Private Bills are those relating to private or local matters or for the particular interest or benefit of any person, corporation or municipality.

While the Standing Orders provide for the procedural possibility of private bills, as far as can be determined no private bill has been introduced to the Yukon Legislative Assembly since the advent of responsible government in 1979.

Stages of Bills: First Reading

- 52(1) Every bill shall be introduced upon a motion for First Reading specifying the title of the bill.

The motion is: "THAT Bill No. ____, entitled _____ be now introduced and read a first time." Government bills are presented to the Assembly with a number. Private members' bills are introduced without a number and are numbered by the clerks at the Table.

- (2) A motion for First Reading of a bill shall be decided without introductory statement, debate or amendment.

No debate is allowed on the motion for introduction and first reading of a bill. While the motion for first reading is not debatable it is votable. Recorded divisions at first reading, though rare, are in order.

Incomplete Bill Not Acceptable

53 No bill may be introduced either in blank or incomplete form.

Section 4 of the Languages Act says “Acts of the Legislature and regulations made thereunder shall be printed and published in English and French and both language versions are equally authoritative.” However, a bill is not considered incomplete if it is in English or French only when the sponsor of the bill moves the motion for Introduction and First Reading. However, it is expected that a version of the bill with both English and French text will be introduced to the House as soon as practicable afterward.

Bills Printed and Distributed

54(1) All bills shall be printed before Second Reading.

The usual practice is for bills to be printed before the motion for Introduction and First Reading is moved and distributed on the same day that the motion is adopted.

(2) No bill shall receive Second Reading until it has been printed and distributed for one clear sitting day.

This standing order has fallen into disuse. In practice the motion for Second Reading of a bill is often moved on the sitting day after the bill has been introduced and received First Reading. In other words, without a clear sitting day. This is commonly done during the Fall Sitting where there is no main appropriation bill presented to the House. Main appropriation bills proceed to Second Reading pursuant to Standing Order 55(3). If the ‘clear day’ requirement were observed, the House would not be able to deal with government bills introduced on the first day of a Fall Sitting until the third sitting day, rather than the second, as is now the case. While this may not have been an issue when this standing order was drafted, the limit on sitting days contained in Chapter 14 means that the House needs to be able to deal with bills as soon as possible.

Readings of Bills

55(1) Each bill shall receive three separate readings, on different sitting days, before being passed.

(2) On extraordinary occasions, a bill may, with unanimous consent of the Assembly, be advanced two or more stages in one sitting day.

On March 24, 2011, after the Speaker called for “Introduction of Bills” the Assembly

granted unanimous consent to a minister to move the motion for Introduction and First Reading of Bill No. 95, *Act to Amend the Workers' Compensation Act*. The request for unanimous consent was necessary, as the introduction of the bill was not in conformity with Standing Order 74, which requires all government bills to be introduced within the first five sitting days of a Spring or Fall Sitting. The Assembly also granted unanimous consent to proceed immediately to Orders of the Day so that the bill could receive Second Reading, consideration by Committee of the Whole, and Third Reading. Once the bill passed the House, the Assembly reverted to the Daily Routine.

- (3) Notwithstanding Standing Order 55(1), an Appropriation Bill bringing forward the main Capital or Operation and Maintenance budget may receive Second Reading on the same sitting day on which it has received First Reading.

This is the usual procedure for the first sitting day of the Spring Sitting. The Minister of Finance (who is almost always the Premier) moves the Introduction and First Reading of the main appropriation bill during the Daily Routine. Under Orders of the Day on that same sitting day the Minister will move Second Reading of the same bill. The Minister's Second Reading speech is known as the Budget Address. This procedure has also, at times, been followed for the Fall Sitting where the government has introduced the Main Operation and Maintenance budget during the Spring Sitting and the Main Capital budget during the Fall Sitting.

Certification of Reading and Passage

- 56(1) The Clerk or Deputy Clerk shall certify upon every bill the date of the readings.
- (2) When a bill is passed the Clerk or Deputy Clerk shall certify the same, with the date, at the foot of the bill.

The tasks described in Standing Order 56(1) and 56(2) are typically done by the Deputy Clerk who is also clerk to Committee of the Whole.

Stages of Bills: Second Reading

The Second Reading debate begins when the Speaker puts to the House the following motion: "THAT Bill No. ___, entitled _____ be now read a second time." Second Reading is the stage at which the principle and object of a bill is accepted or rejected. Detailed consideration is not given to the clauses of the bill at this stage. Once the motion for second reading of the bill is agreed to the principle of a bill has been accepted by the Assembly.

- 57(1) Every bill shall be read twice in the Assembly before committal or amendment.

“Committal” means referral to Committee of the Whole, or a standing, select or special committee for detailed study.

- (2) The debate on a motion for Second Reading shall be limited to the object, expediency, principles and merits of the bill, or to alternative methods of obtaining its purpose.
- (3) Notwithstanding Standing Order 57(1), a bill may be committed to a Select Committee after First Reading.

This would be done by way of a stand-alone substantive motion. See Standing Order 27(1)(f). The motion would have to be moved after the bill has received First Reading and before it receives Second Reading. By referring a bill to a committee prior to Second Reading the committee could engage in a broader study and propose a wider range of amendments since the principle of the bill has not been adopted by the House.

- (4) Unless otherwise ordered by the Assembly, when a Government Bill or a Private Member's Bill is read the second time, it stands ordered for consideration by Committee of the Whole.

‘Otherwise ordered’ means amending the motion for Second Reading so that it would read, “THAT Bill No. __, entitled _____, be now read a second time and be referred to the Standing [or Select or Special] Committee on _____.”

Stages of Bills: Committee

The committee stage allows the Assembly to consider a bill in its details. This is the stage at which each clause of the bill is studied in its turn and members may propose amendments as each clause is dealt with. In proposing amendments members must keep in mind that the principle of the bill has been approved at Second Reading. Therefore, amendments proposed at the committee stage must be in accordance with the principle of the bill.

- 58(1) During formal proceedings upon bills in any Committee of the Assembly, the preamble and title are first postponed, and if the first clause contains only a short title, it is also postponed; then every other clause is considered by the Committee in its proper order, the first clause (if it contains only the short title), the preamble and the title to be last considered.

This procedure is necessary because the propriety of a bill's title and preamble can only be determined once all the clauses of the bill have carried. If certain clauses of the bill are amended or omitted, the title and preamble might have to change.

- (2) When the Assembly is sitting in Committee of the Whole to consider bills, the Minister sponsoring a bill may have a limited number of departmental officials seated nearby to supply information to the Minister as required.

These departmental officials appear at the invitation of the Minister, rather than the committee. When bills are under study by a standing, select or special committee departmental officials, or other witnesses, may only appear at the invitation of the committee.

- (2.1) When the Assembly is sitting in Committee of the Whole, a member who has been designated as a Cabinet commissioner may speak to matters and answer questions respecting his or her Commission.

- (3) Amendments made to a bill in Committee shall be reported by the Chair to the Assembly.

In Committee of the Whole, upon the committee's completion of consideration of a bill, a member, usually the sponsor of a bill, will move that the Chair report the bill to the Assembly "with" or "without" amendment. Once the Speaker returns the Chair will report this to the House. The Chair of a standing, select or special committee that has considered a bill will table the committee's report in the House.

Stages of Bills: Third Reading

Third Reading debate begins when the Speaker puts to the House the following motion: "THAT Bill No. __, entitled _____, be now read a third time and do pass." This stage allows the Assembly to consider a bill in its final form, subject to any amendments which may have been made during the committee stage.

- 59(1) A bill reported without amendment by the Chair of Committee of the Whole may immediately receive Third Reading.
- (2) A bill reported with amendment by the Chair of Committee of the Whole shall not receive Third Reading before the next sitting day.
- (3) When the order for Third Reading of a bill is called, a motion may be moved to discharge the order and recommit the bill.

'Recommit the bill' means to send the bill back to the committee from whence it

came.

- (4) When a bill has been read the third time and passed, a motion may be moved to rescind the Third Reading and passage and recommit the bill.

Reprinting of Amended Bill

- 60(1) When a bill has been amended in Committee of the Whole, it shall be reprinted as amended if so ordered by the Committee.

A bill may be reprinted for Third Reading if it has received a large number of amendments in Committee of the Whole. The motion to reprint the bill should be moved by the sponsor of the bill immediately after Committee of the Whole adopts the motion that the bill be reported as amended.

- (2) When the bill has been sent to be reprinted, it shall be shown on the Order Paper as "BEING REPRINTED," and shall not be further proceeded with until that notation has been removed.

The notation will be removed once the bill has been reprinted and is ready to be reintroduced to the Assembly.

Money Message

A money message is a document signed by the Commissioner of Yukon authorizing an appropriation that draws on Yukon's Consolidated Revenue Fund. The amount of the appropriation is specified in the money message. Every appropriation bill must be accompanied by a money message when it is introduced to the Assembly. Only the Cabinet can obtain such a message from the Commissioner.

- 61(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.

This standing order is taken *verbatim* from section 29 of the *Yukon Act*. As it is based on a statutory requirement, it is not subject to Standing Order 14.3 – unanimous consent to waive rules.

- (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.

Reports of Select Committees

The Standing Orders appear to indicate that the procedural expectation is that when a bill is referred to a committee, other than Committee of the Whole, that it will be referred to a select committee, not a standing or special committee.

- 62(1) The report of a Select Committee on a bill that has received First Reading only shall be accepted by the Assembly but shall not be further proceeded with until such time as the bill has received Second Reading.

See Standing Order 57(3) regarding bills referred to committee after first reading.

- (2) Following the Second Reading of a bill previously reported from a Select Committee, notice of a motion for concurrence in the report of the Select Committee shall be accepted.
- (3) In cases under Standing Order 62(2), the Select Committee proceedings shall be deemed to have occurred after Second Reading.

Motion for Concurrence

A motion for concurrence in a committee report allows the Legislative Assembly to debate a committee report. If the motion to concur in the committee report is adopted, the recommendations contained in the report become orders of the House. This is why recommendations in a committee report should be worded as if they were debateable motions.

- 63(1) A motion for concurrence in the report of a Select Committee shall receive at least two clear days' notice.

Note that this notice requirement does not apply to a motion for concurrence in the report of a standing committee or a special committee.

- (2) A motion to amend, delete, insert or restore any clause in a bill shall be allowed during debate on a concurrence motion if written notice of such motion has been given to the Clerk at the Table prior to 5:00 p.m. on the sitting day before the concurrence motion is called.
- (3) The Clerk shall deliver a copy of the notices of motions received under Standing Order 63(2) to all members.

Such notices may be delivered in hard copy or electronically.

Debate on Motion for Concurrence

The last time a motion for concurrence in a committee report was moved in the Legislative Assembly was on October 25, 2001. The motion read: "THAT the Second Report of the Standing Committee on Rules, Elections and Privileges, presented to the House on October 23, 2001, be concurred with; and THAT the amendments recommended by the Committee to Standing Orders 2, 11, 19, 42, 52 and 67 be adopted." Once the House adopted the motion the changes to the Standing Orders were made.

- 64(1) When the concurrence motion is called, the Speaker shall first allow a general debate following the normal rules of the Assembly. If notice of amendments to the bill has been given, however, the Speaker shall postpone putting the main question until the Assembly has disposed of such amendments.
- (2) Following the general debate on the concurrence motion, any amendment to the bill of which notice has been given shall be open to debate and amendment.
- (3) When debate is permitted, no member shall speak more than once or for longer than twenty minutes on any amendment.
- (4) The order in which amendments are to be selected may be determined by the House Leaders but, in the absence of direction from the House Leaders, the Speaker shall have the power to select the amendments to be proposed.

In keeping with normal procedural practice, the amendments would be taken up in order of the clause they would attempt to amend. So, for example, all things being equal, a proposed amendment to clause 3 would be dealt with prior to a proposed amendment to clause 27.

- (5) When a recorded division has been called on any amendment proposed, the Speaker may defer the division until any or all subsequent amendments have been considered. A recorded division or divisions may be deferred from sitting day to sitting day.
- (6) An amendment, in relation to form only in a Government Bill, may be proposed by a Minister without notice, but debate may not be extended to the provisions of the clause or clauses to be amended.
- (7) When all proceedings on amendments have been completed, the Speaker shall put the question on the concurrence motion immediately.

- (8) Where necessary, the Speaker is empowered to add the phrase "as amended" to the concurrence motion.
 - (9) When a bill has been amended during the proceedings of a Select Committee, it shall not receive Third Reading on the same sitting day as the concurrence motion is dealt with by the Assembly.
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CHAPTER 11

PETITIONS

Presentation and Form

See Appendix II of these Standing Orders for the model petition.

- 65(1) A petition to the Assembly may be presented by a member at any time during a sitting day by filing the same with the Clerk at the Table.
- (2) A member desiring to present a petition from his or her place in the Assembly shall do so during the Daily Routine under the heading "Petitions."
- (3) Every member offering a petition to the Assembly shall confine himself or herself to the statement of the parties from whom it comes, the number of signatures attached to it and the material allegations it contains. No member shall speak for more than five minutes in so doing, unless by permission of the Assembly upon question put.
- (4) On presentation of a petition, no debate on it shall be allowed.
- (5) A member presenting a petition shall be answerable for any impertinent or improper matter that it contains.

A member presenting a petition should review the petition for impertinent or improper matter before presenting it to the House. The member should keep in mind that the language of a petition must be respectful, and though the remedy asked for would mean a change of government policy, it cannot express opinions about the government, the Assembly or MLAs. Also, a petition cannot contain a charge against a person. A petition cannot ask the Assembly to act outside the powers it has under the *Yukon Act*. Neither can a petition challenge an MLA's election to the Assembly. The courts deal with matters like this under the *Elections Act*. Petitions should not contain extraneous comments or changes made to the text of the petition by signatories to the petition.

- (6) Every member presenting a petition shall endorse the petition by signing the sheet containing the body of the petition or by attaching a signed statement to the petition stating: "This petition is endorsed as containing proper matter for consideration by the Yukon Legislative Assembly."

Note that the member who presents the petition to the Assembly does not have to agree with the petitioners.

- (7) Petitions may be either written or printed, provided always that when there are three or more petitioners the signature of at least three petitioners shall be subscribed on the sheet containing the body of the petition.

The petition must contain original signatures. Photocopied or faxed pages, or electronic petitions are not accepted. Petitioners do not have to give their address, phone number or other contact information. Anyone can sign the petition. Signatories do not have to be Canadian citizens or Yukon residents.

- (8) Petitions do not have to be dated.

Report and Debate

- 66(1) On the sitting day following the presentation of a petition, the Clerk shall present a report upon the petition and such report shall be printed in the Votes and Proceedings of that sitting day and every petition so reported upon, not containing matter in breach of the privileges of the Assembly and which, according to the Standing Orders or practice of the Assembly, can be received, shall then be deemed to be read and received.

It is the Speaker, upon hearing the report of the Clerk, who deems a petition to have been read and received.

- (2) No debate shall be permitted on the report, but the petition referred to therein may be read by the Clerk, if requested by a member.
- (3) A petition that complains of some present personal grievance requiring an immediate remedy may be immediately debated.

This debate would only take place after the Speaker has deemed the petition read and received, and would require the unanimous consent of the Assembly.

- (4) A petition may request an expenditure, grant or charge on the public revenue.
- (5) A petition may raise a matter that has been delegated to another body by the Yukon Legislative Assembly.

However, the petition may not ask the Legislative Assembly to exercise authority that has been delegated to another body.

Response by Executive Council

- 67 The Executive Council shall provide a response to a petition which has been received within eight sitting days of its presentation. The length of the ministerial response to the petition shall be no longer than five minutes.

The Executive Council may provide a written, rather than an oral, response. A written response would be tabled when the Speaker calls for petitions and would be entered into the Assembly's working papers as a sessional paper.

CHAPTER 12

OFFER OF MONEY TO MEMBERS BRIBERY IN ELECTIONS

Corrupt Practices

- 68 It is a violation of the Criminal Code for a member to corruptly accept or obtain, agree to accept, or attempt to obtain any money, valuable consideration, office, place or employment in respect of anything done or omitted or to be done or omitted in the member's official capacity.

Section 119 of the Criminal Code of Canada - Bribery of judicial officers, etc.:

“119. (1) Every one is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years who

“(a) being the holder of a judicial office, or being a member of Parliament or of the legislature of a province, directly or indirectly, corruptly accepts, obtains, agrees to accept or attempts to obtain, for themselves or another person, any money, valuable consideration, office, place or employment in respect of anything done or omitted or to be done or omitted by them in their official capacity, or

“(b) directly or indirectly, corruptly gives or offers to a person mentioned in paragraph (a), or to anyone for the benefit of that person, any money, valuable consideration, office, place or employment in respect of anything done or omitted or to be done or omitted by that person in their official capacity.”

As this Standing Order is based on the Criminal Code it is not subject to Standing Order 14.3 – unanimous consent to waive rules.

Proceedings in Cases of Corrupt Practices

- 69 If it shall appear that any member has been elected and returned as a member of the Assembly, or has endeavoured so to be, by bribery or any other corrupt practices, the Assembly will proceed with the utmost severity against all such persons as have been willfully concerned in such bribery or other corrupt practices.

‘Other corrupt practices’ may be found in Part 4 of the *Elections Act*. Note that as part of its parliamentary privileges the Assembly may proceed against a member or other person prior to, or without, criminal charges being laid.

CHAPTER 13

OFFICERS OF THE ASSEMBLY HANSARD

Duties of the Clerk of Assembly

The Clerk is the chief permanent officer of the Legislative Assembly and is responsible for all matters pertaining to the management of the operations of the Legislative Assembly. This includes providing advice to the Speaker and members of the Legislative Assembly on procedural matters concerning the privileges, rules, usages and proceedings of the Assembly. The Clerk is also responsible for the maintenance and custody of the records and other documents of the Assembly. The duty of the Clerk (and those who report to that position) is to provide independent, non-partisan advice and service, to enable the Legislative Assembly and all members to carry out their constitutionally-mandated responsibilities on behalf of Yukoners.

- 70(1) The Clerk shall be responsible for the safekeeping of all the papers and records of the Assembly, subject to such orders as may be received from the Speaker or the Assembly.
- (2) The Clerk shall distribute to each member the Order Paper for that sitting day and the Votes and Proceedings for previous sitting days.

In an effort to save paper the Legislative Assembly Office will consult with members, and caucus staff, on a regular basis to determine the number of hard copies of Blues, Hansard, Votes and Proceedings, the Order Paper and other documents that are needed.

- (3) The Clerk shall employ such staff as are necessary to tend to the business of the Assembly.
- (4) The hours of attendance of the officers and staff of the Assembly shall be fixed from time to time by the Clerk.

Duties of the Sergeant-at-Arms

- 71(1) The Sergeant-at-Arms shall be responsible for the safekeeping of the Mace and of the furniture and fittings of the Assembly.
- (2) The Sergeant-at-Arms shall control admission to and preserve order in the galleries and other areas of the Assembly.

For further information refer to the annotation to Standing Order 10(3).

Hansard

- 72(1) There shall be a printed record of the deliberations and proceedings of the Assembly and Committee of the Whole, to be known as "Hansard," which shall be compiled, edited, printed and distributed under the authority of the Speaker in accordance with this Standing Order.

A transcript is produced for each sitting day. Members will receive the 'Blues', a first draft of the transcript, prior to the next sitting day. Members may suggest corrections to the Blues. Those corrections, if accepted, will be incorporated into *Hansard*, which is the final version of the transcript for the sitting day.

- (2) The Hansard shall be produced for each sitting day and every member shall receive two copies.

As the *Blues* and *Hansard* are posted on line, members may choose not to receive two copies if, in an effort to save paper, they wish to receive one or none. The Legislative Assembly Office will contact members regularly to ensure they are not receiving more printed copies than they wish to receive.

- (3) The Clerk shall provide for the editing of the transcript in accordance with the following:
- (a) revisions shall be limited to the correction of grammar, spelling and punctuation, ensuring that the correct parliamentary forms are observed, and minimizing superfluous repetition and redundancies;
 - (b) no material alterations, nor any amendments which would in any way tend to change the sense of what has been spoken, shall be made;
 - (c) the transcript shall remain an accurate and, as far as possible, an exact report of what was said;
 - (d) a member who wishes to suggest a correction shall submit it to the Hansard editor by noon of the next sitting day;
 - (e) unless a member can demonstrate, to the satisfaction of the Hansard editor or, upon appeal, the Speaker, that he or she has been misreported, no change shall be made which alters the sense of anything a member has been recorded as saying;
 - (f) no member has a right to make any insertion as an afterthought nor to strike out a passage which he or she regrets having uttered.

This process is in place to allow members to make corrections to errors made by the Hansard transcribers and editors. It is not in place to correct errors made by members (other than as provided in this Standing Order). Prior to each Spring and

Fall Sitting the Clerk of the Legislative Assembly will distribute to members a memo outlining the processes to be followed for submitting corrections to the *Blues*, and for providing a transcript where a member speaks in French or a Yukon First Nations language.

CHAPTER 14

SITTINGS OF THE ASSEMBLY

Chapter 14 was added to the Standing Orders pursuant to an agreement among the party leaders on November 8, 2001 and approved by resolution of the Assembly on November 19, 2001. The changes made pursuant to the resolution of November 19, 2001 came into effect at the conclusion of the 2001 Fall Sitting on December 3, 2001.

Notice of Assembly being called into Session

- 73(1) Whenever the House stands adjourned for an indefinite or extended period of time and the Premier advises the Speaker that the public interest requires the House to meet, or to meet at an earlier time than that established by motion of the House, the Speaker shall give notice that the House shall meet at that time and, thereupon, the House shall meet to transact its business as if it had been duly adjourned to that time.
- (2) The Premier shall advise the Speaker under this Standing Order in sufficient time to allow the Speaker opportunity to give a minimum of two weeks notice of the date on which the House shall meet.

This standing order does not apply to the convening of a new legislative assembly following a general election. A new legislative assembly convenes pursuant to a proclamation issued by the Commissioner on the advice of the Premier. The proclamation would be issued at least two weeks prior to the date on which the new assembly would convene. This standing order does apply where one session of a legislative assembly is to be prorogued and a new session begun.

- (3) If the Premier advises that the House should meet due to a matter of urgent and pressing necessity without two weeks notice being provided, and the Speaker is satisfied that at least one of the other Leaders in the Assembly is in agreement as to the date of reconvening, the Speaker shall cause the House to meet with less than two weeks notice.

The reference to "Leaders in the Assembly" is to the leader of a party or coalition, not to a House leader. However, the leader of a party or coalition could delegate this responsibility to another member of his or her party or coalition.

Business when Session of Assembly Opens or is Reconvened

- 74 When a Session of the Assembly has opened or been reconvened, the Government shall introduce all legislation, including Appropriation Bills, to be dealt with during that Sitting by the fifth sitting day.

If the Government wishes to introduce a bill after the fifth sitting day the minister sponsoring the bill must request the unanimous consent of the House to move the motion for Introduction and First Reading of the bill. Unanimous consent is also required to move the bill through each of its remaining stages – Second Reading, the committee stage, and Third Reading. Unanimous consent should be requested immediately prior to the time when the bill would be considered at each stage.

Length of Sittings of the Assembly

- 75(1) There shall be a maximum of 60 sitting days per calendar year.

Since this standing order was adopted in 2001 the Legislative Assembly has sat for 60 days each calendar year, except for those years in which there was a general election – 2002, 2006, 2011 and 2016.

- (2) 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.

Since this standing order was adopted in 2001 the longest Sitting has been the 2003 Spring Sitting (36 days) and the shortest Sitting in a year without a general election has been the 2003 Fall Sitting (24 days).

- (3) 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 a majority of the members of the Assembly, each of the Spring and Fall Sittings shall be a maximum of 30 sitting days.

This occurred in 2004, 2005 and 2014.

- (4) 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.

- (5) The Government House Leader, with notice, may move a motion to sit beyond the agreed upon number of sitting days in the Spring Sitting or the Fall Sitting. Such motion, which is subject to debate and amendment, shall specify the business to be dealt with during any additional sitting days.
- (6) Sitting days added pursuant to Standing Order 75(5) shall be in addition to the maximum number of sitting days stipulated in Standing Order 75(1).
- (7) The Standing Orders in this Chapter do not apply to Special Sitzings of the Assembly that are called in addition to Spring and Fall Sitzings.

Since these standing orders were adopted by the House in 2001 the House has held three Special Sitzings: in Mayo on June 12, 2003; in Dawson City on June 12, 2009; and in Whitehorse on January 12, 2017.

- (8) The maximum number of sitting days per calendar year or per Sitting may be adjusted in any year in which a general election takes place. In the absence of an agreement between House Leaders, the maximum number of sitting days for any Sitting which takes place following a general election shall be 30 sitting days.

In other words, the Assembly could sit for more than 60 sitting days in a year in which a general election takes place. The practice, however, is for the Assembly to sit for fewer days in an election year, not more. In 2002 and 2016, for example, there was no Fall Sitting. In 2006 and 2011 the Fall Sitting lasted 12 sitting days and nine sitting days, respectively.

- (9) When there is agreement respecting the maximum number of days in any Sitting, these Standing Orders do not preclude the House from sitting fewer days than the maximum specified in the agreement.

The Legislative Assembly could sit fewer than the maximum number of sitting days specified for a Sitting if the House concluded its consideration of the business before it in the normal fashion, i.e. without having to resort to Standing Order 76.

Procedures at Conclusion of a Sitting

Standing Order 76 is commonly referred to as 'the guillotine.'

- 76(1) 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.

(2) 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.

(3) 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, if in the Chair at the time, shall interrupt proceedings at 5:30 p.m. and shall:

- (a) 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
- (b) 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.
- (4) The Assembly shall then proceed with any routine business associated with the end of a Sitting including receiving the Commissioner to grant assent to bills and passing an end-of-Sitting adjournment motion.

Prior to the adoption of this chapter of the Standing Orders in 2001 the usual practice was for a Sitting of the Legislative Assembly to end with the adoption of a special adjournment motion; a motion to adjourn the House to an unspecified date. Now, the usual practice is to end the Sitting with a statement by the Speaker that the House, having reached the final sitting day for that Sitting and having dealt with the designated business before it, now stands adjourned, without specifying when the House will reconvene.

- (5) The normal time of adjournment shall not apply if it is reached during the course of the proceedings identified in this Standing Order. Further, a motion to adjourn the House shall not be permitted on the last sitting day of a Sitting until such time as all business identified in this Standing Order has been completed.
- (6) The provisions of this Standing Order shall apply in any situation in which this Standing Order may be found to be in conflict with any other Standing Order.
- (7) The provisions of this Standing Order shall apply to an interim supply appropriation bill on the final sitting day prior to the end of the fiscal year in which the bill is introduced.

Miscellaneous

- 77(1) Any reference to a position or office such as House Leader shall, in these Standing Orders, be deemed, in the absence of the person occupying that position or office, to apply to the designate of the person holding that position or office.
- (2) In these Standing Orders, "sitting" refers to a sitting day and "Sitting" refers to a block of sitting days with the common Sittings being the Spring Sitting and the Fall Sitting.

APPENDICES

APPENDIX 1Error! Bookmark not defined.

FORMAT RESPECTING RESIGNATION FROM OR VACANCY IN THE ASSEMBLY

Written Resignation of a Member to the Speaker

ELECTORAL DISTRICT
OF
YUKON LEGISLATIVE ASSEMBLY

To the Honourable the Speaker of the Yukon Legislative Assembly:

I, _____, Member of the Yukon Legislative Assembly, for the Electoral District of
in Yukon, do hereby resign my seat in the Yukon Legislative Assembly.

Given under my hand this ____ day of _____,

[Signature]

Witness:

Witness:

[N.B.: Two witnesses required]

**Resignation of a Member in Absence of the Speaker:
Notification to the Deputy Speaker or to any two Members**

ELECTORAL DISTRICT
OF
YUKON LEGISLATIVE ASSEMBLY

To the Deputy Speaker of the Yukon Legislative Assembly

or

Two Members of the Yukon Legislative Assembly for the Electoral Districts of

I, _____, Member of the Yukon Legislative Assembly for the Electoral District of
in Yukon, do hereby resign my seat in the Yukon Legislative Assembly.

Given under my hand this ____ day of _____,

[Signature]

Witness:

Witness:

[N.B.: Two witnesses required]

**Vacancy in the Assembly, Notification to the Clerk by the Speaker
or by any two Members**

ELECTORAL DISTRICT
OF
YUKON LEGISLATIVE ASSEMBLY

I, (We), the undersigned, hereby give notice, pursuant to the provisions of the **Legislative Assembly Act**, that a vacancy has occurred in the representation of the Yukon Legislative Assembly, for the Electoral District of _____, in Yukon, by reason of [cause of vacancy and name of Member vacating seat], the Member therefor.

Given under my (our) hand(s), at _____, this ____ day of _____,

[Signature(s)]

Speaker of the Legislative Assembly
or
Member for the Electoral District of _____ and
Member for the Electoral District of _____

MODEL PETITION

To the Yukon Legislative Assembly:

This petition of the undersigned shows:

THAT [here state reason for submitting petition]

THEREFORE, the undersigned ask the Yukon Legislative Assembly to [state such action as may be desired].

[Signatures]

For more information on petitions see Chapter 11 of these Standing Orders.

YUKON LEGISLATIVE ASSEMBLY

**CERTIFICATE TO BE FILED
BEFORE WITNESS ATTENDS**

PURSUANT TO STANDING ORDER 48(1):

"No witness shall attend before any Committee unless a written statement has first been filed with the Chair of the Committee by a Member thereof, stating that the evidence to be obtained from the witness is material and important."

TO THE CHAIR OF

In my opinion the evidence to be obtained from

is material and important in the discussion respecting

Date

Signature

[Please file this with the Chair or the Committee
Clerk as far in advance as possible.]

ADDENDA

YUKON LEGISLATIVE ASSEMBLY

GUIDELINES FOR ORAL QUESTION PERIOD

General Statement

A question seeking information about a matter which falls within the administrative responsibility of the Government of Yukon is in order. An answer which provides information sought through a question is in order.

Specific Rules

1. A question ought to address a matter of public importance.
2. A question ought to seek information and cannot be based on a hypothesis or seek an opinion, legal or otherwise. It must not suggest its own answer or be argumentative.
3. A question asking for a specific statement of government policy is in order. A question which seeks an opinion about government policy is out of order. A question which asks the Premier if a statement made outside the House by a Minister conforms with government policy is in order.
4. A question must relate to a matter within the administrative responsibility of the Government of Yukon. A Minister to whom a question is directed is responsible only for his or her present portfolio.
5. A question may not ask for a legal interpretation of a statute.
6. Each member asking a question which is in order shall be allowed two supplementary questions.

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| The Member does not have to use both supplementary questions, or any of them, if he or she does not wish to. |
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7. 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.¹ A repeat of a question that a Minister did not hear does not constitute a supplementary.

¹ 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.

8. A question must adhere to the proprieties of the House in that it must not contain inferences, impute motives or cast aspersions upon persons within the House or out of it.

This guideline also applies to responses.

9. A reply to a question should be as brief as possible, relevant to the question asked, and should not provoke debate.
10. A Minister may decline to answer a question without stating the reason for his or her refusal. Insistence on an answer is out of order. A refusal to answer cannot be raised as the basis of a question of privilege.
11. A question is out of order if it deals with a matter that is before a court. In civil matters, however, this restriction will not apply unless and until the matter is at trial.

For further information see the annotation to Standing Order 19(f) regarding the *sub judice* convention.

12. A question is out of order if it seeks information about matters which are in their nature secret such as the proceedings of Cabinet. It is, however, in order to ask if a certain matter has been considered by Cabinet.
13. A question is out of order if it seeks information from the Chair of a Committee about proceedings in a Committee which has not yet made its report to the House but is in order if it asks only if the Committee has considered a certain matter, when the Committee will next meet, or when a Committee report will be tabled in the House.
14. A question addressed to the Speaker is out of order.
15. In all cases not provided for within these guidelines, the usages and customs of the House of Commons of Canada, as in force at the time, shall be followed.

Adopted April 13, 1983
Revised October 25, 2001
Revised April 4, 2002

YUKON LEGISLATIVE ASSEMBLY

GUIDELINES FOR THE USE OF ELECTRONIC DEVICES IN THE CHAMBER

General Statement

The use of electronic devices is authorized to allow Members to more fully perform their parliamentary duties while in the Legislative Assembly Chamber. The established rules and practices designed to facilitate the proceedings, and preserve order and decorum in the Chamber, prevail at all times.

Specific Rules

1. Members may use electronic devices in the Chamber at all times, with the following exceptions:
 - a. Whenever the Commissioner of Yukon is present to deliver the Speech from the Throne, to grant Assent to bills; or for any other official or ceremonial purpose.
 - b. Whenever the Speaker is offering prayers, ruling on a point of order, giving a statement on a procedural (or other) matter; or putting a motion to the House.
 - c. During the Oral Question Period.
 - d. When a point of order or question of privilege is raised.
 - e. During the taking of a Division, or during a Count in Committee of the Whole.
 - f. At any other time so designated if, in the opinion of the Speaker or Chair of Committee of the Whole, the use impinges on the decorum or dignity of the proceedings.
2. Departmental officials present during Committee of the Whole are authorized to use electronic devices in the same manner as Members of the Legislative Assembly.
3. Electronic devices must be configured to be used in silent mode.
4. Electronic devices may not be used as a phone in the Chamber.
5. Electronic devices may not be used as a recording device, camera, or pager.

Adopted October 29, 2012

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| These guidelines also apply to standing, select and special committee proceedings that take place in the Chamber, such as public hearing and public proceedings. |
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