



# Yukon Legislative Assembly

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## Members' Procedural Handbook

April 2021



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## YUKON LEGISLATIVE ASSEMBLY

The Yukon Legislative Assembly is the primary component of the legislative branch of the Government of Yukon. While the executive branch (cabinet and government departments, corporations and other entities) exercises authority, the role of the legislative branch is to hold the executive accountable for the way in which it exercises that authority. Statutes (such as the *Yukon Act*, which is a statute of Canada, and the *Legislative Assembly Act*, which is a statute of Yukon) and parliamentary practice and procedure (such as the rules found in the Standing Orders of the Yukon Legislative Assembly) provide the foundation for the way in which the legislative branch holds the executive to account.

Generally, the Legislative Assembly performs its accountability function in three ways: first, as a forum for the legitimation of government action. For example, certain government actions (proposed new laws or amendments to existing laws, establishing a budget, etc.) require the approval of the Assembly before they can take effect. The Assembly's procedures provide the government with the opportunity to explain why the measure is needed and seek approval from the House. These procedures also provide opposition members with the opportunity to critique the proposed action and offer alternatives.

The second way in which the Legislative Assembly holds the executive accountable is by serving as a forum where private members (primarily those in opposition to the government) can question government policy (with written and oral questions), and offer their own bills and motions for consideration by the House.

The third way in which the Legislative Assembly performs its accountability function is by providing a forum within which all members can represent their constituents.

The Legislative Assembly Office (LAO) is the administrative arm of the Legislative Assembly. The LAO staff are neutral and non-partisan, and perform a variety of duties for the Assembly and its members including providing procedural advice, record keeping, the processing of expense claims, management of the legislative precinct, overseeing the distribution of parliamentary proceedings, etc.

While the Legislative Assembly is the primary component of the legislative branch, there are others. These other components, entities created by the Legislature, are the Office of the Ombudsman, the Conflict of Interest Commission, the Child and Youth Advocate Office, and Elections Yukon. The persons who head these entities – the Ombudsman (who is also the Information and Privacy Commissioner and the Public Interest Disclosure Commissioner), the Conflict of Interest Commissioner, the Child and Youth Advocate and the Chief Electoral Officer are appointed by order of the Legislative Assembly and are responsible to the Legislative Assembly.

## Governing Structure

### History

The area now known as Yukon became part of Canada in 1870 when an Imperial Order-in-Council gave effect to the *Rupert's Land Act* of 1869. At the time Yukon was part of the North-West Territories (NWT). In 1897 Yukon became a separate judicial district of the NWT. On June 13, 1898, due largely to pressures created by the Klondike Gold Rush, the *Yukon Act*, an act of the Parliament of Canada, made Yukon a separate territory in the Canadian federation.<sup>1</sup>

### Representative and Responsible Government

The defining feature of a system of representative government in Canada is that “[t]he power to enact laws is vested in a legislature composed of individuals selected to represent the ...people [of Canada, a province or territory].”<sup>2</sup> The defining feature of a system of responsible government is the existence of a relationship between the political executive (the Premier and Cabinet) and the legislature where the former “are responsible to, or must answer to” the latter, and where the political executive “must enjoy the confidence” of the legislative body “to remain in office. Confidence, in effect, means the support of a majority of the House.”<sup>3</sup>

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<sup>1</sup> The short title of the Act was *The Yukon Territory Act, 1898*. The full title of the act was *An Act to provide for the Government of the Yukon District*.

<sup>2</sup> Marc Bosc and André Gagnon (eds.), *House of Commons Procedure and Practice* (third edition), (Ottawa: House of Commons of Canada, and Montréal: Editions Yvon Blais, 2017), page 3.

<sup>3</sup> Bosc and Gagnon, page 4.

The governing structure created by the *Yukon Act* had neither of these features. It consisted of a Commissioner and a council of up to six members all appointed by the Governor in Council (the Governor General, acting on the advice of the federal cabinet). The Commissioner was to "administer the government of the territory under instructions from time to time given him by the Governor in Council or the Minister of the Interior."<sup>4</sup> The territorial Council was to "aid the Commissioner in the administration of the territory..."<sup>5</sup>

The following year the Parliament of Canada amended the *Yukon Act* to provide for two members to be elected to the Council. The first elections were held on October 17, 1900. Over the course of the territory's first decade the balance between appointed and elected members gradually tipped in favour of elected members. In 1902 Parliament again amended the *Yukon Act* to increase the number of elected Council members to five. These five members were elected on January 13, 1903. A further *Yukon Act* amendment in 1908 created a wholly-elected Council of 10 members. Representative government arrived on June 28, 1909 with the election of the first wholly-elected Council. The Council first met in Dawson City on July 15 of that year.

Despite the advance of representative democracy executive authority still lay in the hands of the Commissioner, which is to say in the hands of the Government of Canada, which is to say that Yukon did not have responsible government. Until the 1950s the federal government reserved the right to abolish the territorial Council by Order-in-Council. In 1951 the Government of Canada announced that as of April 1, 1953 Yukon's capital would be in Whitehorse, not Dawson City. The change was made despite the territorial Council's objections.

The first tentative move toward responsible government took place in 1961. In that year the first Advisory Committee on Finance was established pursuant to a 1960 amendment to the *Yukon Act*. The idea was that the Commissioner would consult with this three-member committee of the territorial Council in preparing the annual territorial

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<sup>4</sup> *The Yukon Act* (1898), section 4.

<sup>5</sup> *The Yukon Act* (1898), section 5(1).

budget. However, the committee members were not members of the executive council. For a variety of reasons this first step toward responsible government was not effective in giving Council members a real say in Yukon's fiscal matters.

A more effective move toward responsible government took place in 1970. That year the Honourable Jean Chrétien, then Canada's Minister of Indian and Northern Affairs, created an executive committee for Yukon. This committee included the Commissioner of Yukon, two appointed assistant Commissioners, and two elected members of the territorial council. The Commissioner gave the two elected members, Norm S. Chamberlist and Hilda P. Watson, responsibility for Health, Welfare and Rehabilitation, and Education, respectively.

Responsible government finally came to Yukon in October 1979. On October 9, the Honourable Jake Epp, Minister of Indian and Northern Affairs, issued a letter of instruction to Yukon Commissioner Ione Christensen. Epp's instructions changed the Executive Committee to an Executive Council (Cabinet) and transformed the Commissioner's role. For 81 years, the Commissioner had acted as an appointed head of state and head of government. Now the Commissioner would only exercise the head of state role, like that of a provincial Lieutenant Governor. The letter of instruction stipulated that the Commissioner was not to sit on the territorial Executive Council, and was to act on the advice of the Executive Council in all matters under territorial jurisdiction. While these changes took effect in 1979 they were not incorporated into law until a new version of the *Yukon Act* came into force on April 1, 2003. Also, pursuant to the new *Yukon Act*, the federal cabinet's authority to issue letters of instruction to the Commissioner expired on April 1, 2013.

### **The Growth of the Assembly**

With the decrease in population that accompanied the waning of the gold rush, Parliament amended the *Yukon Act* in 1918 to give the Governor in Council the power to abolish the elected council. Following another *Yukon Act* amendment in 1919, the council was reduced from 10 members to three. This reduction took effect at the time of the 1920 election. The council remained at three until 1952 when it was increased to five, then seven in 1961, twelve in 1974, sixteen in 1978, seventeen in 1992, and

eighteen in 2002. Pursuant to the 2008 *Electoral District Boundaries Act* the Yukon Legislative Assembly now consists of 19 members.

Along with an increase in the number of members, the composition of the Assembly has changed. One important change was the introduction of party politics in 1978. Until then members had been elected as independents, though some had known partisan affiliations. With the advent of political parties and responsible government, the title of head of government passed from the Commissioner to the member who enjoys the 'confidence of the House.' In practice this has meant the leader of the largest party – usually one with a majority – in the Assembly. The Epp letter stipulated that "the Government Leader...may use the term Premier to describe his office."<sup>6</sup> From 1979 to 1989 the head of government used the title 'Government Leader.' On October 10, 1989 Tony Penikett announced that he would use the title 'Premier' and did so for remainder of his second term as head of the government (1989-1992). John Ostashek (1992-1996) and Piers McDonald (1996-2000) reverted to the title 'Government Leader.' However, Pat Duncan adopted the title 'Premier' in 2000 and that has been the standard since.

Another important change in the composition of the Assembly is a result of the expansion of the electoral franchise since 1898. A Yukon Act amendment in 1918 extended to women the right to vote and stand for election, a right first exercised in 1919. First Nations persons (those defined as 'Indians' in the *Indian Act*) first voted in a territorial election in 1961 due to changes made to the *Canada Elections Act* in 1960 (the Act applied to elections for the territorial Council at the time). These important changes have made Yukon politics more inclusive, representative and democratic. These changes, however, did not happen immediately. The Yukon Territorial Council's first woman member – Jean Gordon – was elected in 1967. The Legislative Assembly's first First Nations members – Alice McGuire and Grafton Njootli – were elected in 1978.

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<sup>6</sup> Kirk Cameron and Graham Gomme, *The Yukon's Constitutional Foundations, Volume II: A Compendium of Documents Relating to the Constitutional Development of the Yukon Territory*, (Whitehorse: Northern Directories, Ltd., 1991) page 161.

The powers available to the Legislative Assembly have also expanded since 1898. This has been a gradual process. In the 1970s Yukon gained control over the administration of justice, highway maintenance personnel and resources, and the administration of fresh water sports fishing. In the 1980s came control over land titles and the assets of the Northern Canada Power Commission. The 1990s saw the transfer of control over oil and gas, health care and airports.

On April 1, 2003 a new *Yukon Act* came into force. That Act transferred more areas of provincial-type responsibilities (control over land, water and natural resources) from the federal Northern Affairs Programs to Yukon. This ended a devolution process that began in the mid-1990s. With this transfer Yukon will now have almost the same powers as a province. However, this transfer of power will not change Yukon's formal constitutional status as a territory. Yukon's jurisdiction will continue to be enshrined in a federal statute, the *Yukon Act*, not the Constitution of Canada. (as is the case with the provinces). In principle, this means that Parliament decides when and how to amend the *Yukon Act*. However, section 56 of the Act says

(1) Before a bill that amends or repeals this Act is introduced in the House of Commons by a federal minister, the Minister shall consult with the Executive Council [of Yukon] with respect to the proposed amendment or repeal.

(2) The Legislative Assembly may make any recommendations to the Minister that it considers appropriate with respect to the amendment or repeal of this Act.<sup>7</sup>

### **The Yukon Legislative Assembly Today**

Today the Yukon's governing structure, and its day-to-day operations, largely resemble those of the Parliament of Canada and the provincial legislatures, although on a smaller scale. The Yukon Legislative Assembly is the only territorial assembly in Canada to feature political parties.

As mentioned, there are 19 members of the Yukon Legislative Assembly (MLAs). Each MLA represents one electoral district. Since 1978 most MLAs have been elected as a

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<sup>7</sup> <http://laws-lois.justice.gc.ca/eng/acts/Y-2.01/page-5.html#h-19>

representative of a political party. Historically the party with the most MLAs (though not always a majority) gets to form the government. In the Legislative Assembly Chamber members of the government caucus sit to the right of the Speaker. The leader of the governing party, the Premier, names a number of MLAs as cabinet ministers. They have a special duty to answer questions about the different government departments or corporations for which they have been assigned responsibility.

One of the practical manifestations of responsible government is that in order for cabinet to be responsible to the House there must always be fewer elected members in cabinet than not in cabinet. In this way Cabinet can always, in principle, be out voted by the rest of the House. For this reason, the Epp Letter stipulated that "There shall be at no time a majority of members of Council [MLAs] appointed to the Cabinet or Executive Council."<sup>8</sup> In 2014 the Yukon Legislature amended the *Government Organisation Act* to include this principle. Subsection 2(3) of the Act says, "At all times, there must be fewer members of the Legislative Assembly appointed to the Executive Council, than there are members of the Legislative Assembly who are not appointed to the Executive Council."<sup>9</sup> This stipulation does not, of course, account for persons who are not MLAs being appointed to cabinet because those ministers cannot sit in, or vote in, the Legislative Assembly. Since the institution of responsible government two persons, Willard Phelps (March 20-May 28, 1985) and Darrell Pasloski (June 11-November 4, 2011), were not MLAs at the time of their appointment to the Executive Council.

The MLAs who are not in cabinet (whether they are in the government caucus or not) are called private members. Those private members who are not in the government caucus are called the opposition. They sit to the left of the Speaker. The opposition party with the most members is called the official opposition, and their leader is called the leader of the official opposition. An opposition caucus with fewer members than the Official Opposition is called the Third Party.

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<sup>8</sup> Cameron and Gomme, page 161.

<sup>9</sup> [http://www.gov.yk.ca/legislation/acts/goor\\_c.pdf](http://www.gov.yk.ca/legislation/acts/goor_c.pdf)

This small scale of the Legislative Assembly affects its operations. Whereas larger assemblies tend to deal with bills in specific committees established to oversee certain areas of responsibility (foreign affairs, defence, transportation) the Yukon Legislative Assembly almost always deals with its bills in Committee of the Whole. As the name suggests, all MLAs may participate in Committee of the Whole, whereas only MLAs named to a standing, special or select committee participate in the activities of that committee.

Also, unlike in larger assemblies, cabinet ministers usually oversee more than one department, corporation or other entity; and some of these portfolios would be divided amongst multiple ministers in a large provincial government. Similarly, opposition 'shadow cabinet' members are responsible for critiquing multiple portfolios.

Despite its small size, the Assembly adheres to the same basic procedural principles characteristic of a Westminster-style assembly, as seen in the provincial and territorial assemblies and the Parliament of Canada.

### **The Yukon Legislative Assembly Building**

The Legislative Assembly is housed in the Government of Yukon's Main Administration Building in Whitehorse. The building officially opened on May 25, 1976 and the Assembly first met in the current chamber on November 2, 1976. From 1953, when the capital moved from Dawson City to Whitehorse, to 1976 the Legislative Assembly met in a federal government building. From 1898 to 1953 the Yukon Territorial Council met in what is now called the Old Territorial Administration Building in Dawson City.

The dominant colour of the Assembly Chamber is green. This is a common, though not universal, colour for 'lower houses' in the Westminster-style parliamentary system. The origin of green as the colour of choice is not clear. However, J.M. Davies,



speculates that this colour scheme dates from 1236 when King Henry III made green the dominant colour of Parliament's meeting place, the Palace of Westminster.<sup>10</sup>

The colour green is also in evidence in the large tapestry that hangs behind the Speaker's chair. The tapestry is entitled 'Fireweed.' It is 5.4 metres high and 3.6 metres wide and contains images, colours and textures that evoke the natural resources and landscapes of Yukon. Fabric artist Joanna Staniszki created the tapestry. It required 1400 hours of work and more than 90 kilograms (200 pounds) of wool to complete, most of which she hand spun. There are more than one hundred shades of colour in the tapestry.

The Chamber is also decorated with banners that contain features found on the Yukon Coat of Arms. Yukon's Coat of Arms was commissioned by the federal Department of Indian Affairs and Northern Development and designed by well-known heraldry expert Alan Beddoe in the early 1950's. It was approved officially by Queen Elizabeth II in February 1956.

The banners are of two types. On one type wavy vertical stripes represent the Yukon River and the gold-bearing creeks of the Klondike. Triangular forms represent the territory's mountains and the gold circles within symbolize mineral resources. On the second type is a cross of St. George in recognition of the English explorers who visited northwest North America in the mid-19<sup>th</sup> century, and a 'roundel in vair', a heraldic symbol of wealth that represents the fur trade.

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<sup>10</sup> J.M. Davies, "Red and Green", *The Table: The Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments*, Volume XXXVII (1969), pp. 33-40.

## LEGISLATURE AND LEGISLATIVE ASSEMBLY

The terms 'legislature' and 'legislative assembly' are often used interchangeably. Legally, they mean different things. As outlined below the Legislative Assembly of Yukon (the elected members) is a component of the Legislature of Yukon. In the *Yukon Act* the term 'legislature' refers to the Assembly and the Commissioner working together, as when each performs different roles (the Assembly passes a bill, the Commissioner assents to it) that allow a bill to become law. In most cases, it makes no difference which term is used, as in, for example, when one refers to the 34<sup>th</sup> Legislature or the 34<sup>th</sup> Legislative Assembly. In some instances, however, one term or the other will be the proper one to use. The information below provides some guidance as to the usage of 'legislature' and 'legislative assembly.'

### Legislature

#### Composition

The Legislature of Yukon, as defined in section 17 of the *Yukon Act*, consists of two elements:

1. the Commissioner of Yukon, appointed by the Governor-in-Council (i.e., the Governor General on the advice of the federal cabinet), and
2. the Legislative Assembly, composed of 19 members, each elected to represent one of Yukon's 19 electoral districts.

#### Legislative Power

The legislative power of the Legislature also consists of two elements:

1. the Legislative Assembly's power to pass legislation, and
2. the Commissioner's power to assent to legislation in the capacity of Lieutenant Governor.

#### Legislatures and Sessions

After a general election the Legislative Assembly is called into session by means of a proclamation made under the Seal of Yukon and signed by the Commissioner.<sup>11</sup> This

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<sup>11</sup> The Seal is an official symbol of Yukon that is affixed to important state documents.

proclamation is issued on the advice of the Premier. The first Session of a new legislature is opened with a Speech from the Throne delivered by the Commissioner. Each Legislature and Legislative Assembly is numbered – and they both carry the same number – with the number changing after each general election. The numbering begins with the first wholly-elected territorial council, which was elected on June 28, 1909. Yukoners elected their 35<sup>th</sup> Legislative Assembly on April 12, 2021.

The Sessions within each legislature are also numbered. A Speech from the Throne signals a new Session of a legislature. A legislative Session does not last for a specified period of time. For example, the 29<sup>th</sup> (1996-2000), 31<sup>st</sup> (2002-2006), 32<sup>nd</sup> (2006-2011) and 33<sup>rd</sup> (2011-2016) legislatures each consisted of a single Session, whereas there were six Sessions during the 26<sup>th</sup> Legislature (1985-89), and three Sessions during the 34<sup>th</sup> Legislature (2017-2021). The Premier decides how long a Session will last, if an existing Session will continue, or if a Session will be prorogued and a new Session begun.

### **Prorogation**

The term 'prorogation' refers to the means by which a Session is ended. When a Session is prorogued, all bills (including bills referred to a standing, select or special committee), motions (including motions for the production of papers) and written questions on the Order Paper are dropped. However, it is also worth noting what a prorogation does not do. If the Assembly adopts a motion for the production of papers, but the papers are not tabled in the House during the Session in which they were ordered, the order still stands and must be fulfilled in the next Session. Also, standing committees are appointed for the life of a Legislative Assembly and do not dissolve when the House is prorogued.

## **Legislative Assembly**

### **Membership and Composition**

As mentioned, the Yukon Legislative Assembly is made up of 19 elected members, each of whom represents one of Yukon's electoral districts. The districts are defined in the *Electoral District Boundaries Act*.

The government is formed from members of the caucus or coalition that is able to maintain the 'confidence of the House.' Having the confidence of the House means the ability to get a majority of MLAs to vote in favour of the bills the cabinet introduces to the Assembly. In most cases this means one party that has the majority of members in the Assembly. The Official Opposition is made up of members from the largest caucus that is not part of the government. The opposition side of the Assembly may also include members representing other caucuses or independent members not in the government caucus. Traditionally, independent members sit with the opposition, unless they are appointed to cabinet.

## Oaths

Section 12 of the *Yukon Act* says, "Before assuming office, each member of the Legislative Assembly shall take and subscribe before the Commissioner the oath of office prescribed by the Legislature of Yukon and the oath of allegiance set out in the Fifth Schedule to the Constitution Act, 1867." All members must take the oaths, however, each member chooses whether he or she wishes to swear the oaths or make a solemn affirmation.

The Clerk of the Legislative Assembly arranges oath taking ceremonies with each caucus at its convenience or with any independent members. The oaths are taken some time after the returns to the writs (final declaration of results) and before the opening of a new legislature. The oaths are as follows:

**Swearing the Oath of Allegiance:** I **(state name)** do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second.

**Swearing the Oath of Office:** I **(state name)** do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a member of the Yukon Legislative Assembly. So help me God.

**Affirming the Oath of Allegiance:** I **(state name)** do solemnly, sincerely and truly declare and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second.

**Affirming the Oath of Office:** I (**state name**) do solemnly, sincerely and truly declare and affirm that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a member of the Yukon Legislative Assembly.

### **Sittings and Sitting Days**

Section 13 of the *Yukon Act* requires that the Assembly sit "at least once every twelve months." These sitting days must be called so that there is less than a 12-month gap between them. The *Yukon Act* actually refers to at least one "session" per year, however the Legislative Assembly uses the term 'Sitting' or 'sitting day' to avoid confusion with the use of the term 'Session' as defined above.

The Legislative Assembly uses the term 'Sitting' to refer to a series of sitting days beginning after an indefinite or extended adjournment. The length of each Sitting is determined by the House Leaders pursuant to Standing Order 75. A Sitting ends with a declaration by the Speaker that the Assembly has reached the number of sitting days allocated for that Sitting and has dealt with all the business before the Assembly. The Standing Orders indicate that there should be two 'Sittings' per calendar year; one in the spring and one in the fall, though special Sittings can be called.

The term 'sitting day' refers to any day that members gather in the Legislative Assembly Chamber to conduct the Assembly's business. Notwithstanding the provisions of the *Yukon Act*, Chapter 14 of the *Standing Orders of the Yukon Legislative Assembly* requires that the Assembly sit for a maximum of 60 days per calendar year, divided between a Spring Sitting and a Fall Sitting.

When the Assembly is in session, the House sits from Monday through Thursday from 1:00 p.m. - 5:30 p.m. The Government House Leader, or his or her designate, may move a motion to extend a sitting day beyond the normal hour of adjournment (5:30 p.m.). Such a motion must be made at least one-half hour before the normal hour of adjournment (5:00 p.m.) and must designate the business to be dealt with. This motion is debatable. Since Chapter 14 (and its 'guillotine clause') was added to the Standing Orders in the 2001 Fall Sitting, motions to extend the sitting day have fallen into disuse. The last time the House adopted a motion to sit beyond the normal hour of adjournment was on March 19, 2020 to allow the House to conclude its business

in anticipation of the COVID-19 lockdown at the beginning of the pandemic. Only one motion (moved and carried on March 19, 2020) to extend the sitting beyond the normal hour of adjournment has been approved by the House since 2000.

A motion to sit beyond the normal hour of adjournment was moved on May 2, 2001. However, the Speaker adjourned the House at the normal hour of adjournment before the House reached an agreement on the motion.

### **Adjournment**

At the end of each sitting day, the Assembly is adjourned until the next sitting day according to the provisions of the Standing Orders. This usually involves a non-debatable motion to adjourn the Assembly, put forward by a member without notice. If the time reaches 5:30 p.m. and no member has put forward a motion to adjourn, Standing Order 2(2) says the Speaker must adjourn the Assembly. If the Assembly is in Committee of the Whole at 5:30 p.m. the Chair of Committee of the Whole must call the Speaker back to the Chair and report to the Speaker. The Speaker then adjourns the Assembly.

For the Assembly to break for a longer period of time (for a Spring break, for example) a member (usually the Government House Leader) must put forward a debatable motion to that effect.

Before Chapter 14 was added to the Standing Orders this kind of motion was needed to adjourn the Assembly from one Sitting to the next. Now the length of a Sitting is established by the Standing Orders based on an agreement (or lack of agreement) among the House Leaders. No motion is needed to bring the Sitting to an end. Once the Assembly has dealt with the Government business identified by the Government House Leader on the last sitting day of a Sitting, the Speaker declares the Sitting over.

### **Duration and Dissolution**

'Duration' refers to the maximum length of time an Assembly can exist. 'Dissolution' refers to the procedure by which an Assembly is ended.

Section 11(1) of the *Yukon Act* says each Legislative Assembly has a maximum life of five years from the date of the returns to the writs for the general election. The

34<sup>th</sup> Legislative Assembly was elected on November 7, 2016, with the return to the writ taking place on November 14, 2016. The 34<sup>th</sup> Legislative Assembly would have, therefore, by law, ceased to exist on November 14, 2021. However, the Premier exercised his discretion and on March 12, 2021 requested that the Commissioner dissolve the Legislative Assembly and hold an election on April 12, 2021.

The five-year maximum, however, is a legal limit that has never been used. Section 11(1) of the *Yukon Act* also gives the Commissioner the power to dissolve the Legislative Assembly before the five-year maximum is reached. The established practice is that the Commissioner will, on the advice of the Premier, dissolve the Assembly before then. The Assembly is then dissolved by a Commissioner's Order. After an Assembly is dissolved the Commissioner shall, again on advice from the Premier, order the Chief Electoral Officer to issue the writs for the election of a new Assembly.

The 35<sup>th</sup> Legislative Assembly was elected on April 12, 2021, with the return to the writs occurring on April 19, 2021. Section 50.01 of the *Elections Act*, added in 2020, put the election following the 2021 election on a fixed date of Monday, November 3, 2025 – prior to the April 19, 2026, deadline established by the *Yukon Act*. The Commissioner may still dissolve the Assembly before November 3, 2025, "at the Commissioner's discretion" pursuant to subsection 50.01(1) of the *Elections Act* and section 11(1) of the *Yukon Act*.

## **Table Officers**

The Legislative Assembly's Table Officers are the Clerk of the Legislative Assembly, the Deputy Clerk and the Clerk of Committees.

The Clerk is the chief permanent officer of the Legislative Assembly. Some of the Clerk's primary responsibilities are:

1. maintaining records of all legislative business and custody of all legislative papers,
2. providing assistance and advice to the Speaker, committee chairs and all members on parliamentary procedure,
3. the administration of services and payments to members, including pensions,

4. the general administrative responsibility for the conduct of the business of the Assembly;
5. all protocol arrangements for legislative functions and ceremonies, parliamentary visits and activities of the Commonwealth Parliamentary Association.

While the Clerk carries out some of these duties directly, others are delegated to other Legislative Assembly Office (LAO) staff, including the Deputy Clerk, the Clerk of Committees, the Director of Administration, Finance and Systems, the Operations Manager, and the Finance and Operations Clerk.

Certain other LAO employees are sessional; they are only on site when the House is in session. These include:

- The Sergeant-at-Arms and the Deputy Sergeant-at-Arms, whose duties include escorting the Speaker into the Chamber, assisting in the preservation of order in the Chamber and in the gallery and, if necessary, enforcing the orders of the presiding officer,
- The Hansard staff, who record, transcribe and edit the daily proceedings of the Assembly and Committee of the Whole,
- Legislative Pages, chosen from local secondary schools, who assist in the Chamber with such duties as preparing the Chamber for the daily sitting, bringing documents to the Table, transmitting notes, and filling water glasses.

## **Legislative Papers**

The Table Officers are responsible for the official record keeping of the proceedings of the Legislative Assembly and for the safekeeping of all papers and records of the Legislative Assembly. The following documents are distributed to Members and posted on the Assembly's website.

### **Order Paper**

The Order Paper is the Assembly's daily agenda and is composed of three parts. The first part is referred to as the 'Order Paper' and contains all government and private members' bills and motions (including motions for the production of papers) that may be called on a given sitting day. Every Monday the Order Paper includes any written



questions that have been submitted by a private member but not yet answered by the government. Business that has not been completed during the sitting day is automatically transferred to the next day's agenda. Government business has precedence on the agenda on each sitting day, except Wednesday. On Wednesday, the order of business places private members' agenda items at the top of the list (alternating between opposition private members on one Wednesday and government private members the next), followed by the government agenda items. Members receive a copy of the Order Paper as soon as it can be produced each sitting day.

The second part of the Order Paper is the 'Notice Paper.' The Notice Paper is comprised of motions for which notice was given on the previous sitting day. Motions that are on the Notice Paper cannot be called for debate unless the House grants unanimous consent. Motions will sit on the Notice Paper for one sitting day before being transferred to the Order Paper (government motions) or to the document entitled 'Motions other than Government Motions' (private members' motions). Pursuant to Standing Order 27(2), a motion for concurrence in the report of a Select Committee requires two clear days' notice before it can be debated.

The third part of the Order Paper is the document entitled 'Motions other than Government Motions.' This document is updated weekly and printed separately from the Order Paper every Tuesday (the day on which private members' business for Wednesday is identified). This document includes all the private members' motions that have not been brought forward for debate and either passed or defeated. Motions brought forward for debate but on which a decision has not been made – in other words debate has been adjourned – are also included in this document. Motions may also be removed from this document if they become 'irregular' – they have become outdated, the request in the motion has been fulfilled in whole or in part, the motion refers to a bill or motion that has passed the House, etc.

### **Votes and Proceedings**

The official record of the Assembly's proceedings is called the Votes and Proceedings. The Votes and Proceedings document decisions taken by the House and Committee of the Whole, and other relevant items such as the tabling of sessional papers and

filed documents, the presentation of, and responses to, petitions, etc. The Votes and Proceedings do not include debate. They are prepared each sitting day by the Clerk of Committees and reviewed by the Deputy Clerk and the Clerk.

### **Journals of the Assembly**

After each Spring and Fall Sitting the daily Votes and Proceedings are consolidated and indexed and become known as the Journals. The Journals are the official record of the business of the Assembly.

### **Sessional Papers and Filed Documents**

Standing Order 38(1) says, "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." For administrative purposes these documents are categorized as sessional papers.

Sometimes members table documents for the information of other members that do not fit the definition of Standing Order 38(1). For example, a member may quote from a letter or report (that is not required for tabling) and then table the document. Documents that are tabled in this way are referred to as filed documents. However, not all documents that are tabled are filed. Tabled documents that contain information that is already public – newspaper articles, Hansard excerpts, information downloaded from the Internet – are generally not kept permanently and so are not included with filed documents.

Sessional papers and filed documents are kept as part of the Assembly's permanent record – the working papers. These documents receive a number when tabled. The title of each document entered into the working papers is recorded in the Votes and Proceedings and in Hansard.

A member or minister intending to table a sessional paper should check with the Clerk of Committees to ensure that there are requisite number of copies are provided. As for filed documents Standing Order 38(2) says, "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."

Copies of documents tabled by the Speaker may be obtained from the Legislative Assembly Office. Documents pertaining to government departments, corporations or other entities are available from the department, corporation or entity that issued the report. Documents tabled by private members are available from the member who tabled the document.

### **Legislative Returns**

Legislative returns are written responses to written or oral questions, or matters outstanding from debate in the House, and are tabled by cabinet ministers. Written questions typically remain on the Order Paper until a legislative return is received.

### **Hansard**

Hansard is the transcript of the debates in the Legislative Assembly. It is not a verbatim transcript of what is said. The policy regarding Hansard is to provide a transcript with a minimum of editing and without any alteration of the meaning of a member's speech. A private contractor produces Hansard under the authority of the Speaker.

Blues (the first draft of Hansard) are distributed to members as soon as possible following each sitting day. Members may request corrections before the transcript is finalized. However, corrections are limited to those relating to grammar, spelling and punctuation. Hansard is meant to be a record of what is said in the House during proceedings. The purpose of the correction exercise, therefore, is to correct errors made by Hansard in transcribing a member's remarks, not to retroactively correct errors made by the member when he or she was speaking or add remarks the member did not say. Requests for corrections must be submitted to the Hansard office by noon the following day. Prior to each Spring and Fall Sitting all Members will receive an email from the Clerk of the Legislative Assembly outlining the proper procedure for submitting suggested corrections to Hansard.

The Speaker must approve any proposed substantive correction. The Blues are posted to the Legislative Assembly's web page, usually within two hours of the conclusion of the sitting day. The Blues are removed from the Assembly's webpage once the Hansard for that sitting day is available.

A cumulative index for Hansard is prepared each week, except for the first week of a Spring or Fall Sitting if there is only one sitting day. A consolidated volume of Hansard is produced after each Spring and Fall Sitting and is provided to each member as soon as possible.

## **PRESIDING OFFICERS OF THE LEGISLATIVE ASSEMBLY**

### **The Speaker**

#### **Election**

When the newly-elected (or re-elected) Members convene in the Legislative Assembly chamber for the first time after a general election the Clerk of the Legislative Assembly reads the proclamation calling the Assembly together. The Commissioner then enters the chamber for the purpose of reading the Speech from the Throne. The Clerk advises the members that the Commissioner will not address them until they elect a Speaker. The Commissioner then leaves the Chamber until a Speaker is elected.

There is a statutory basis for this procedure. Section 14(1) of the Yukon Act requires the election of a Speaker. The Legislative Assembly Act requires that this be done as soon as possible on the first sitting day of a new legislature. Once the Speaker is elected the Commissioner returns and reads the Speech from the Throne and the Assembly begins its business.

The usual practice is for the House to elect the Speaker by way of a motion, moved by the Premier and seconded by other party leaders, that a certain member "take the Chair of this Assembly as Speaker." The usual practice is that the Assembly approves the motion on a voice vote and that member becomes the Speaker.

#### **Duties**

The Speaker's role is partially defined in the Standing Orders. The chief characteristics attached to the office of Speaker are authority and impartiality. The Speaker seeks to balance the two fundamental operating principles of an Assembly:

1. to allow the majority to secure the transaction of business in an orderly manner, and
2. to protect the minority's right to be heard.

The Speaker is the servant of the entire Legislative Assembly and serves all members equally. Briefly, the Speaker is to:

- serve as presiding officer of the Assembly,

- preserve order and decorum,
- determine the order in which members shall speak,
- rule on points of order and questions of privilege,
- put all such questions as are placed before the Assembly; and
- give a 'casting vote' if required (see below).

Standing Order 45(2) also assigns to the Speaker the role of Chair of the Members' Services Board.

### **Participation in Debate and Voting**

The Standing Orders, and the traditions and practices of parliamentary democracy dictate that the Speaker does not take part in, or vote on, any debate of the Assembly. If there is a tie vote on any question, the Speaker must give a casting vote. In casting this vote the Speaker is expected to adhere to certain principles. In the business before Committee of the Whole, the Speaker may participate as a private member. In the past, the Speaker has been called upon to vote in Committee of the Whole to avoid a tie which would require the Chair to use his or her casting vote. The Speaker has also appeared in Committee of the Whole to explain the estimates for the Legislative Assembly and Officers of the Legislative Assembly. Neither of these events, however, happens often.

### **Speaker's Procession**

Each sitting day begins with the entrance of the Speaker, preceded by the Sergeant-at-Arms (or Deputy Sergeant-at-Arms) bearing the Mace, and followed by the Clerk, the Deputy Clerk and the Clerk of Committees. Five minutes prior to sitting time (i.e., 12:55 p.m.), the Sergeant-at-Arms rings the bells calling the members into the Assembly Chamber. All members should be at their place in the Chamber when the Speaker enters.

All members and all observers in the galleries rise when the Sergeant-at-Arms stops at the Bar of the House and calls "Order. Mr./Madam Speaker." The Speaker, dressed in the Speaker's robes, opens the sitting with a prayer, after which all members and observers take their seats.

## The Mace

The Mace was originally a weapon of war developed during the medieval period. Typically, a mace had a wooden or metal shaft with a flange or ball on the end. The ball was often spiked. It was a potent weapon and could be used effectively against soldiers wearing chain mail or plate armour.

The Second Edition of *House of Commons Procedure and Practice* describes how the Mace evolved from being a weapon, to a symbol of Royal Authority, to a symbol of the House and the Speaker:

In the twelfth century, the Sergeants-at-Arms of the King's Bodyguard were equipped with maces. These maces, stamped with the Royal Arms and carried by the Sergeants in the exercise of their powers of arrest without warrant, became recognized symbols of the King's authority...Royal Sergeants-at-Arms began to be assigned to the Commons early in the 15<sup>th</sup> century. By the end of the 16<sup>th</sup> century, the Sergeant's mace had evolved from a weapon of war to an ornately embellished emblem of office. The Sergeant-at-Arms' power to arrest without warrant enabled the Commons to arrest or commit persons who offended them without having to resort to the ordinary courts of law. This penal jurisdiction is the basis of the concept of parliamentary privilege and, since the exercise of this privilege depended on the powers vested in the Royal Sergeant-at-Arms, the Mace—his emblem of office—was identified with the growing privileges of the Commons and became recognized as the symbol of the authority of the House and of the Speaker through the House.<sup>12</sup>

In 1964 the Yukon Territorial Council (now called the Legislative Assembly) agreed to establish a competition for the design of a Yukon Mace. The winning design would be chosen by a selection committee which included the Commissioner, two assistant commissioners and two members of the Territorial Council. The prize for the winning design was awarded in 1966 to Royal Canadian Mounted Police Corporal Jim Ballantyne. The design having been approved, the Mace was crafted by Birks of Montreal in 1971-72 at a cost of approximately \$8300.

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<sup>12</sup> Bosc and Gagnon, pp. 289.

On February 11, 1972, the Hon. Jean Chrétien, Minister of Indian and Northern Affairs, announced that Yukon would receive its Mace. By that time the Senate, the House of Commons, all the provincial legislative assemblies and the Legislative Assembly of the Northwest Territories had their own Mace.

On March 6, 1972, the Governor General of Canada, the Rt. Hon. Roland Michener, presented the Mace to the Hon. Ronald Rivett, Speaker of the Yukon Territorial Council, as a gift from the people of Canada.

Yukon's Mace is made of gold-plated sterling silver. A Crown tops the head of the Mace. Queen Elizabeth II granted use of the Crown under Royal Authority. Beneath the Crown is a topographical cross-section of Yukon. Shields representing the coats of arms of Canada and Yukon are on the head of the Mace in white gold. The Mace also features fireweed, Yukon's floral emblem; the figures of a miner, a trapper and a First Nations person; as well as etchings of Yukon scenery and other armorial bearings. The Mace weighs approximately five kilograms.

The Sergeant-at-Arms carries the Mace into the Legislative Assembly Chamber at the start of each sitting day and places it in brackets on the Table. The Mace remains in the brackets on the Table whenever the Speaker, or Deputy Speaker, is presiding over the Assembly. When the Assembly is in Committee of the Whole the Mace rests on the lower brackets affixed to the front of the Table. The Mace's Crown always faces the government side of the House.

The Sergeant-at-Arms is the only person authorized to touch the Mace during proceedings. In 2002 a Canadian Member of Parliament (MP) grabbed the Mace in the House of Commons as a form of protest. The MP was found in contempt of Parliament and was suspended from the House of Commons for a number of days. He was only allowed to return to his seat after standing at the Bar of the House and apologizing to the Speaker and all MPs.

## **Deputy Speaker and Chair of Committee of the Whole**

### **Election**

In the early part of the first session of a new Assembly, the Members of the Legislative Assembly elect a Deputy Speaker. The election process is the same as that for



electing the Speaker, except that the motion to elect the Deputy Speaker is moved by the Government House Leader and is not seconded by opposition party leaders. The Deputy Speaker also serves as Chair of Committee of the Whole. The duties of the Chair are outlined elsewhere in this handbook.

### **Substitution in Speaker's Absence**

If at any time during a sitting day the Speaker finds it necessary to leave the Chair, he or she may call upon the Deputy Speaker to act as Speaker until the Speaker returns. If the Deputy Speaker is not available, the Speaker will call on the Deputy Chair of Committee of the Whole. If the latter is not available, the Speaker can call on any other member of the Assembly to take the Chair.

If the Speaker is not available at the start of a sitting day, the Clerk informs the Assembly of the absence and the Deputy Speaker takes the Chair and acts as Speaker with full authority.

The Deputy Speaker can only assume the Chair if there is a Speaker. The *Legislative Assembly Act* stipulates that should the office of Speaker become vacant by death, resignation or other circumstance, the Assembly must elect a new Speaker. The Deputy Speaker does not automatically become Speaker.

### **Duties as Chair of Committee of the Whole**

In order for the House to resolve into Committee of the Whole the Assembly must adopt a motion "THAT the Speaker do now leave the Chair and that the House resolve into Committee of the Whole." Once the motion is adopted the Speaker leaves the Chamber until recalled on a motion "THAT the Speaker do now resume the Chair." In the Speaker's absence the Chair of Committee of the Whole sits at the head of the Table and presides over the proceedings. The Chair maintains order and decorum in the same manner as the Speaker does in the Assembly, allowing, however, for a certain informality in the proceedings. For example, members do not have to be in their assigned seats to be recognized to speak in Committee of the Whole. Members may remove their jackets. The Chair, who must always act in a fair and non-partisan manner, ensures that the business of the Committee is conducted according to the Standing Orders and the established practices of the Assembly. The Deputy Clerk of the Assembly serves as Clerk to Committee of the Whole.

## **Deputy Chair of Committee of the Whole**

### **Election**

The process for electing the Deputy Chair of Committee of the Whole is similar to that of electing the Deputy Speaker.

### **Duties**

The role of the Deputy Chair is to preside over Committee of the Whole in any circumstance where the Chair cannot do so. This could occur if the Chair is absent from the House, or if the Chair is called upon to assume the Speaker's Chair if the Speaker is absent. The Deputy Chair has the same responsibility and authority for maintaining order in Committee of the Whole as the Chair does. The Deputy Chair does not automatically become Speaker if both the Speaker and Deputy Speaker are absent. In that case the Assembly must elect a member to assume the Speaker's duties.

In order to be seen as neutral and non-partisan the Speaker does not attend caucus meetings when the House is in session, or in the weeks preceding a Sitting, once the Premier announces the start date for the Sitting. While the Speaker must represent his or her constituents, he or she must not make public pronouncements on policy issues or engage in any political controversy. These kinds of restrictions do not apply to the Deputy Speaker or the Deputy Chair of Committee of the Whole.

The Speaker and Deputy Speaker receive a salary for their work as presiding officers. The Deputy Chair of Committee of the Whole does not.

## PRIVILEGE AND ORDER

One of the Speaker's duties is to rule on points of order and questions of privilege. From time to time, confusion arises as to the difference between a 'question of privilege' and a 'point of order.' One difference is that of frequency: Points of order arise more often than questions of privilege. More importantly, a question of privilege is connected to parliamentary privilege, the fundamental rights of the Assembly and its members. A point of order has to do with the application of the day-to-day rules of parliamentary procedure.

### Parliamentary Privilege

The roots of parliamentary privilege are found in the English *Bill of Rights* of 1689 which says, "That the Freedome of Speech and Debates or Proceedings in Parlyament ought not to be impeached or questioned in any Court or Place out of Parlyament."<sup>13</sup> In the modern context, parliamentary privilege has been described as "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."<sup>14</sup> It is stated in *House of Commons Procedure and Practice* (second edition) that:

These "peculiar rights" can be divided into two categories: those extended to Members individually, and those extended to the House collectively. Each category can be further divided. The rights and immunities accorded to Members individually are generally categorized under the following headings:

- freedom of speech;
- freedom from arrest in civil actions;
- exemption from jury duty;
- exemption from being subpoenaed to attend court as a witness; and

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<sup>13</sup> <http://www.legislation.gov.uk/aep/WillandMarSess2/1/2/introduction>

<sup>14</sup> Sir W. McKay (editor), *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, (Twenty-third edition), (London: LexisNexis UK, 2004), page 75.

- freedom from obstruction, interference, intimidation and molestation.

The rights and powers of the House as a collectivity may be categorized as follows:

- the exclusive right to regulate its own internal affairs (including its debates, proceedings and facilities);
- the power to discipline, that is, the right to punish persons guilty of breaches of privilege or contempts, and the power to expel Members guilty of disgraceful conduct;
- the right to provide for its proper constitution, including the authority to maintain the attendance and service of its Members;
- the right to institute inquiries and to call witnesses and demand papers;
- the right to administer oaths to witnesses appearing before it; and
- the right to publish papers without recourse to the courts relating to the content.<sup>15</sup>

On April 29, 1971, Lucien Lamoureux, then Speaker of the House of Commons, stated:

Privilege is that which sets honourable Members apart from other citizens giving them rights which the public do not possess. In my view, parliamentary privilege does not go much beyond the right to free speech in the House of Commons and the right of a Member to discharge his or her duties in the House as a Member of the House of Commons.<sup>16</sup>

Note that the privileges of individual members, such as freedom of speech, only apply when they are participating in parliamentary proceedings, such as sittings of the Assembly or one of its committees. Other privileges, such as freedom from arrest in civil actions, exemption from jury duty, and exemption from attendance as a witness apply only when the House is in session, or during time periods immediately before

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<sup>15</sup> Bosc and Gagnon, page 59.

<sup>16</sup> Alistair Fraser, W.F. Dawson and John A. Holtby, *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents* (6<sup>th</sup> edition), (Toronto: The Carswell Company Limited, 1989), §25, pages 11-12.

or after. Some privileges of Members of the Yukon Legislative Assembly are codified in sections 33 to 38 of the *Legislative Assembly Act*.

## **Personal Privilege**

On rare occasions a Member will rise "on a point of personal privilege." A point of personal privilege is not connected to parliamentary privilege. Where parliamentary privilege is based on the rights of the institution and its members, a point of personal privilege is an indulgence granted to a member by the Speaker. This provides a member with the opportunity to "make personal explanations, to correct errors [the Member] made in debate, to apologize to the House, to thank the House or acknowledge something done for the member by the House, to announce a change in party affiliation, to announce a resignation, or for some other reason."<sup>17</sup> Members who are granted leave to raise a point of personal privilege must keep their comments brief and to the purpose of the point of personal privilege. As there is no motion before the Assembly, the member is not to make statements that would incite debate. Generally, no other member will be recognized to speak on the matter.

## **Order and its Distinction from Privilege**

Privilege, then, deals with the fundamental rights of the assembly and its members. The nature of parliamentary privilege is, therefore, "partly of fact and partly of law, the law of contempt of Parliament."<sup>18</sup> Order, on the other hand, "concerns the interpretation to be put upon the rules of procedure."<sup>19</sup> These rules of procedure originate in the Standing Orders and established practices of the Assembly.

If a member believes another member or someone outside the Assembly has abused the Assembly's fundamental rights he or she may raise a question of privilege. If a member believes another member has broken the rules of procedure during the course of a sitting day (or during the meeting of a committee) he or she may rise on a point of order.

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<sup>17</sup> Bosc and Gagnon, pages 162.

<sup>18</sup> Fraser, Dawson and Holtby, §26(2), page 12.

<sup>19</sup> Fraser, Dawson and Holtby, §26(1), page 12.

Questions of privilege and points of order are also dealt with differently. While the Speaker is to determine whether there is a prima facie breach of privilege, ultimately it is up to the House to decide if its privileges have been infringed.<sup>20</sup> A question of order is determined by the Speaker or, in a committee, by the Chair.

## Raising Questions of Privilege

A question of privilege may be raised in either of the following ways:

1. A member may, after giving a written notice containing a brief statement of the question of privilege to the Speaker at least two hours before the opening of the sitting day (11:00 a.m.), rise on a question of privilege after Question Period and before Orders of the Day are called.
2. A member may rise on a question of privilege at any time in the Assembly immediately after the words are spoken or events occur that are considered a violation of privilege.

Standing Order 7 details the procedure by which the Speaker deals with questions of privilege.

As mentioned above, the Speaker's role, in dealing with questions of privilege, is to decide if there is a prima facie breach of privilege and whether the matter was raised at the first possible opportunity. The Speaker may rule immediately on the question of privilege or defer the ruling until a later time, if the Speaker feels further reflection is necessary. Should the Speaker decide that a potential breach has taken place he/she can then give priority to a motion to deal with that breach. However, only the Assembly as a whole, by consideration of the motion, has the authority to decide whether a breach of privilege has occurred, and to administer whatever discipline it decides is required. Only the Assembly can deal with alleged breaches of privilege occurring in Committee

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<sup>20</sup> Alistair Fraser, G.A. Birch and W.F. Dawson, *Beauchesne's Rules and Forms of the House of Commons of Canada with Annotations, Comments and Precedents* (Fifth Edition), (Toronto: The Carswell Company Limited, 1978), §80(1) and §80(2), pages 24-26.

of the Whole. In most cases, the committee must report the facts to the Assembly before it can take remedial action.

### **Raising Points of Order**

A member may raise a point of order at any time during the proceedings to call the House's attention to any alleged breach of the Standing Orders or established procedure. The point of order should be brought to the Speaker's (or the Chair's) attention as soon as possible after the event occurs.

When a Member rises on a point of order, the Speaker will recognize the Member raising the point of order, and the member who had the floor must sit down while the point of order is being stated. The Speaker may then grant the member who had the floor a chance to respond to the point of order. A member raising a point of order should be prepared to cite the Standing Order her or she believes is being breached. A member may **not** use a point of order to move a motion of any sort (including adjournment of debate or of the Assembly) or to raise a point of order on a point of order.

The Speaker may permit discussion on the point of order (usually, but not necessarily, offered by the House Leaders) before ruling, or may rule without the assistance of members. However, any discussion must be strictly relevant to the point of order. If the Speaker believes that a member is straying from the point of order, he or she will ask that member to get back to the point of order or sit down. As with questions of privilege the Speaker may rule immediately or defer the ruling until later. No debate is permitted on the Speaker's ruling and the ruling may not be appealed.

A member may challenge a ruling by the Chair of Committee of the Whole by an appeal to the Speaker. However, this is an extremely rare occurrence. In such an instance the Chair will leave the Chair immediately and report to the Speaker. The Speaker will then rule on the matter. No debate is allowed on the Speaker's ruling.

### **Decorum in the Chamber**

The rules respecting order and decorum are found in Standing Orders 6(1)-(8), 17(1) and 22(1). There are, as well, many standards or customs respecting decorum that have evolved, through practice, over the years in the Yukon Legislative Assembly.

These standards and customs are common in Westminster parliaments. Some of these customs and standards are:

1. The Legislative Assembly Chamber is a place of heightened formality in terms of language and dress. When the Speaker is in the Chair, the accepted dress code requires that all male MLAs wear a jacket and tie, though a First Nations themed vest has often been worn in the place of a suit jacket. Female MLAs should wear comparable attire. When in Committee of the Whole, the dress code is relaxed, permitting jackets and ties to be removed.
2. When entering or leaving the Chamber, members are to bow to the Speaker's Chair (even if it is not occupied).
3. Members should be in the House before the Speaker's procession enters at the start of a sitting day. If a member arrives during the prayer, he or she should wait inside the door of the House until the prayer is concluded. Members present for the prayer should remain still and silent until the prayer is finished.
4. When the Speaker is in the Chair, the Speaker will only recognize a member to speak or vote if the member is in his or her designated place. In Committee of the Whole, a member may be recognized if at another member's desk, but this is not encouraged.
5. Members must rise when they wish to speak (if able) and must be recognized by the Speaker or Chair before speaking (unless it is necessary to address the Speaker or Chair to get their attention). Members must always speak through the Chair and may not address their remarks directly to other members or to the public gallery.
6. If a member is engaged in a private conversation with another member (or members) when another member has the floor, members should keep their voices low and not distract the member speaking or otherwise disrupt the business of the Assembly.
7. To maintain the dignity of the Assembly, eating and chewing gum in the Chamber is prohibited. Water, served in glasses by the Pages, is the only refreshment allowed.
8. The rules of the Assembly prohibit the use of disrespectful or offensive language. What is acceptable depends largely on the mood of the House and



the circumstances. However, personal attacks, insults, obscene language or words that question a member's integrity, honesty or character are not in order.

9. To keep debate less personal, members address all their remarks through the Chair and refer to each other by title (Premier, Minister, Leader of the Official Opposition, Leader of the Third Party, etc.) or the electoral district they represent. Members must not refer to another member as "you".
10. The Speaker may be provided with a speaking order for debate on substantive and various conventions and informal arrangements may be made between House Leaders. Ultimately, however, the Speaker decides which member will be recognized at any given time.
11. If a member raises a point of order, the member speaking must immediately take his or her seat while the point is being stated. The Speaker will decide if it is necessary to hear from other members on the point of order before taking it under advisement or making a ruling.
12. Members are not to put their feet on the desks.
13. Members must not go directly from the floor of the Assembly to the public gallery. If it is necessary to communicate with someone in the public gallery, a Page may be asked to deliver a note. Those people attending in the public gallery are not permitted to participate in any way in the proceedings. Members should refrain from encouraging any sort of interaction with people in the public gallery.
14. When the Assembly adjourns, members should remain at their desks until the Speaker has left the Chamber.
15. When the Commissioner of Yukon or the Administrator enters the Chamber, the greatest respect should be shown to the position. Members should refrain from speaking to one another once the Commissioner (or Administrator) has been announced by the Sergeant-at-Arms.

### **Standing Orders Respecting 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.

- (2) In the case of grave disorder arising, the Speaker may, without motion, adjourn the sitting or suspend it for a specified time.
- (3) When entering or leaving the Chamber, members shall bow to the Chair.
- (4) When the Speaker speaks at any time, any member speaking shall sit down and the Speaker shall be heard without interruption.
- (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.
- (6) When a member is speaking, no member shall interrupt, except to raise a point of order or a question of privilege.
- (7) Member 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.

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

22 (1) A member speaking, if called to order by the Speaker or if a point of order or privilege is raised by another member, shall sit down while the point of order or 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 privilege.

On October 29, 2012, an addendum was added to the Standing Orders to govern the use of electronic communications devices during proceedings in the House. The Guidelines for the Use of Electronic Devices in the Chamber, generally, are designed to facilitate the use of electronic devices by members while minimizing the risk of disruption to the proceedings. In addition to these specific guidelines, the usual rules of order and decorum apply to members using electronic devices.

## BUSINESS OF THE ASSEMBLY

### Parliamentary Procedure

The Yukon Legislative Assembly operates according to a set of written and unwritten rules known as 'parliamentary procedure.' The principal authorities governing parliamentary procedure in the Assembly are:

1. The Standing Orders of the Yukon Legislative Assembly; and
2. The practices of the Assembly; these being a repeated pattern of usage that, over a period of time, has developed the authority of unwritten rules.

Rules of procedure enable the will or the opinion of the Assembly to be focused and clearly expressed. The rules also ensure the right of all members to participate in that process. A member may draw any departure from established procedure to the Speaker's attention by raising a point of order. The Speaker may also draw a member's attention to such a deviation, usually by saying "Order, please" and explaining the departure that has taken place.

The Standing Orders and the established practices of the Assembly are the authorities that bear most directly on the day-to-day business of the Assembly. If no Standing Order exists to deal with a specific item of business, Assembly practice may then be reviewed for an established precedent to govern the case. If no such precedent exists, the Assembly will consider parliamentary practice in the House of Commons of Canada. The main references used in such instances are, for Canadian practice, the third edition of *House of Commons Procedure and Practice* and the sixth edition of *Beauchesne's Parliamentary Rules & Forms*, which is a collection of citations from the Parliament of Canada.<sup>21</sup> When considering the broad principles of parliamentary practice the Clerks may also consult the latest edition of *Erskine May's Parliamentary Practice*, which is the procedural authority for the House of Commons of the United Kingdom. These external authorities do not override Standing Orders or Assembly

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<sup>21</sup> *House of Commons Procedure and Practice* (second edition) is available on line at <http://www.parl.gc.ca/procedure-book-livre/Document.aspx?sbdid=7C730F1D-E10B-4DFC-863A-83E7E1A6940E&sbpid=1>

practice and are never more than alternative sources of parliamentary information. The standard authorities on parliamentary practice are available in the Legislative Assembly Office.

### **Quorum**

The term 'quorum' refers to the minimum number of members that must be present for the Assembly to meet and conduct business. Section 15 of the *Yukon Act* stipulates that "A majority of the members of the Legislative Assembly, including the Speaker, constitutes a quorum." Therefore, for the 35<sup>th</sup> Legislative Assembly, if there are no vacancies in the Assembly, this means 10 members must be present for the Assembly to meet. If there is not a quorum when the Speaker calls the Assembly to order at the beginning of a sitting day, the Speaker will adjourn the Assembly for that day.

Standing Order 3(2) points out that once the sitting day has started the Speaker will only act with regard to quorum if a member draws the Speaker's attention to the fact that there is not a quorum. When that happens the Speaker rings the division bells for four minutes and then counts the number of members in the Assembly. If there is still no quorum the Speaker adjourns the Assembly for the day.

The quorum requirement for Committee of the Whole is less stringent. Standing Order 3(3) stipulates that eight members, including the Chair, constitutes a quorum in Committee of the Whole. The Chair of Committee of the Whole does not take notice of quorum when he or she assumes the Chair and will only conduct a quorum count if a lack of quorum is brought to his or her attention by another member. If the quorum count reveals a lack of quorum in Committee of the Whole, the Chair will rise and the Speaker will be recalled to the Chair to conduct a second quorum count. If the second quorum count reveals a lack of quorum the Speaker will adjourn the House for that sitting day.

### **Unanimous Consent**

Notwithstanding the rules set out in the Standing Orders, the Assembly, by giving its unanimous consent, may waive most Standing Orders in a particular instance. This procedural device is sometimes used to expedite the business of the Assembly. A request for unanimous consent is not a motion and so does not require notice. The

request must be for an action to be taken immediately, not at a future date. The request is not subject to debate or amendment, and, if a single negative voice is heard, it is not granted. The same request cannot then be made again until an intermediate proceeding has taken place. The Assembly, or Committee of the Whole, has used unanimous consent to:

- pass a bill through three readings and committee stage in a single day (each stage requiring a separate request for unanimous consent);
- dispense with the requirement for written notice of a motion;
- allow a motion normally requiring notice to be debated without notice being given;
- allow for the introduction of a government bill after the fifth sitting day of a Spring or Fall Sitting;
- extend the speaking time allowed a member; or
- revert to a previous item of business on the Order Paper.

Unanimous consent may not be used to, among other things:

- change or amend the requirement for three readings of a bill;
- affect the right of members to debate a motion which, on the authority of the Standing Orders, is a debatable motion;
- supersede any legal requirement, such as
- the use of the Speaker's casting vote (Standing Order 4(2), section 14(2) of the *Yukon Act* and sections 28 and 29 of the *Legislative Assembly Act*),
- the quorum requirement (Standing Order 3(1) and section 15 of the *Yukon Act*)
- the requirement for a money message from the Commissioner to accompany an appropriation bill (Standing Order 61(1), section 29 of the *Yukon Act*); and
- the application of the Criminal Code to corrupt practices (Standing Order 68, section 119 of the Criminal Code of Canada).

## Daily Routine

Prior to the hour of opening for a sitting day (1:00 p.m.), members take their seats in the Chamber before the entry of the Speaker. The Sergeant-at-Arms, bearing the Mace on his or her right shoulder, precedes the Speaker, the Clerk, the Deputy Clerk

and the Clerk of Committees into the chamber. At the Bar of the House, the Sergeant-at-Arms calls "Order, Mr./Madam Speaker." All present rise and remain standing until the Speaker has delivered the prayer. At the end of the prayer, all present sit, and the Speaker calls the items of Daily Routine in the sequence in which they appear on the Order Paper. These items are listed below.

At 10:00 a.m. on each sitting day the caucus House Leaders gather to share information about business to be raised under each of the items of the Daily Routine and Orders of the Day. The Government House Leader then relays this information to the Clerk of the Legislative Assembly who informs the Speaker when they meet at 11:00 a.m. each sitting day. The Clerk, for his part, will inform the House Leaders when the Speaker will contribute to an item of the Daily Routine, such as the tabling of documents. This process for exchanging and transferring information assists in the smooth running of the House. Therefore, if a member plans to do a contribute to any of the items of the Daily Routine, he or she should mention this to his or her House Leader before the House Leaders' daily meeting. If the decision to contribute to the Daily Routine is not made until after 10:00 a.m., the member should advise a clerk (who will advise the Speaker) and the House Leaders as soon as possible.

### **Introduction of Visitors**

Under this item, the Speaker or other member may introduce a person present in the Speaker's Gallery or the public gallery. There is no rule limiting the number of visitors who may be introduced on a sitting day or the length of the introduction. Members may, by rising on a point of order, introduce visitors at other points during the sitting day. Members should avoid introducing visitors during Question Period.

### **Tributes**

Under Tributes a member may briefly recognize a person or group or an event of some significance. There are no rules regarding the number of tributes that may be given on a sitting day, however during the 34<sup>th</sup> Legislative Assembly there was a change to the Standing Orders through the addition of Standing Order 11(6) to limit the maximum time for that item (Tributes) of the Daily Routine to 20 minutes. If a member plans to do a tribute, he/she should mention it to his or her House Leader before the House Leaders' daily meeting. The Speaker will then be told when informed

of the business of the day. If it is not known that a tribute is to be given in time for the House Leaders' meeting, the member should advise the Speaker and, if time permits, the House Leaders before the House sits.

### **Tabling Returns and Documents**

Replies to written questions, departmental annual reports, or other reports or official correspondence relevant to the Assembly's business may be 'laid on the Table' (or 'tabled') at this time. Members should contact the Clerk of Committees to find out how many copies of a particular kind of document are required. Copies of documents to be tabled on a given day should be provided to the Legislative Assembly Office by 11:00 a.m. The Legislative Assembly Office distributes copies of documents as soon as practicable (usually after Question Period) after they are tabled in the Assembly.

Documents entered into the working papers - sessional papers, legislative returns and filed documents - are listed in each sitting day's Votes and Proceedings and on the last page of Hansard for that sitting day. A complete list of sessional papers and filed documents can be found in the index to the Journals or Hansard of the Spring or Fall Sitting in which they were tabled.

### **Presenting Reports of Committees**

Committee reports are presented when this item is called. Reports of committees are compilations of observations and recommendations of committees of the Assembly. When the Speaker calls for reports of committees, the Chair of the committee (or another committee member authorized by the committee Chair) will table the committee's report, which must be signed by the Chair.

The Assembly cannot amend a report from a committee. However, it may refer the report back to the committee for further consideration, or with instruction to amend it in a particular respect. The Assembly may adopt a committee's report in whole or in part by adopting a motion for concurrence in a committee report.

When the report does not contain any resolutions, recommendations or other propositions for consideration of the Assembly, no further proceedings in reference to it as a report are necessary. However, the Assembly may, by motion, appoint a future day for consideration of the report. Two clear day's notice is required to debate a motion for concurrence in a select committee report. One clear day's notice is

required to debate a motion for concurrence in the report of a standing or special committee.

### **Petitions**

The right to petition the Assembly for redress of grievances is a fundamental democratic principle. Any person may petition the Assembly. The only requirement is that the petition adheres to proper form. Information Sheet No. 3 "Petitions" (available on the Legislative Assembly's website) provides more information about the proper form of a petition. Appendix 2 of the Standing Orders provides a model petition. A petition may either be written or printed and must be signed by at least three petitioners. If there are more than three petitioners, three or more signatures must appear on the page bearing the body of the petition.

A member may present a petition in either of two ways. The first is to submit the petition to the Table at any time during a sitting day. The second is to orally present the petition during the Daily Routine when the Speaker calls for petitions. If the member presents the petition during the Daily Routine he or she must do so standing in his or her place. It is not necessary that the member support the petition. However, the member must endorse the petition, either by signing the page containing the text of the petition or by attaching a signed statement saying that the petition contains "proper matter for consideration by the Yukon Legislative Assembly." When the member presents the petition in the House, he or she may state who originated the petition, the number of signatories to the petition, and the subject of the petition. The member may read the text of the petition but there is a five-minute limit for doing so. No other debate or comment about the petition is permitted when it is presented.

On the sitting day following the presentation of a petition, the Clerk of the Assembly reports on the procedural acceptability of the petition. If the Clerk reports that the petition is in order, the Speaker will declare the petition deemed to have been read and received. Cabinet must then respond to the petition, in the House, orally or in writing, within eight sitting days of the presentation of the petition. There is a five-minute time limit on an oral response to a petition.



## **Introduction of Bills**

All bills are introduced under this item. A cabinet minister wishing to introduce a government bill rises and, upon being recognized by the Speaker, says:

“Mr./Madam Speaker, I move THAT Bill No. \_\_\_\_ entitled \_\_\_\_\_, be now introduced and read a first time.”

The procedure is similar for a government or opposition private member introducing a private member's bill. However, a private member's bill is only assigned a number by the Clerk after it receives first reading. The motion for introduction and first reading of a bill is moved without any introductory statement, debate or amendment. The Speaker will then immediately put the question. If the bill receives first reading it will stand on the Order Paper awaiting second reading. If the bill is defeated at first reading it does not go on the Order Paper and no similar bill may be introduced during the current session. A bill is almost never defeated at first reading since members have not seen the bill and aren't aware of its contents.

## **Notices of Motion**

Members have two ways of giving a notice of a motion, orally during the Daily Routine, or in writing. If the notice is in writing it must be received at the Table prior to 5:00 p.m. Motions for which oral notice has been given, or for which written notice has been received before 5:00 p.m. will be printed on the Notice Paper on the next sitting day and are eligible to appear on the Order Paper on the sitting day after that. Unless unanimous consent is given, no substantive motion can be debated without proper notice having been given. Standing Order 27 indicates which motions require notice and which ones do not. Motions and Motions for the Production of Papers are submitted on prescribed forms. The form is signed by the member giving notice and is numbered by the Clerks-at-the Table.

## **Ministerial Statement**

This provides an opportunity for a cabinet minister to make an announcement or statement about government policy, or about a matter of public interest. As a courtesy, the minister (or his or her office) provides a copy of the statement to the Speaker's office and to each opposition caucus no later than 11:30 a.m. on the day on which the statement is to be given. The minister has a maximum of four minutes

when making the statement in the House. A spokesperson for each opposition caucus has the right to respond to the ministerial statement for no more than four minutes each. The minister then has up to four minutes to make a closing comment.

### **Oral Question Period**

Private members may put questions to cabinet ministers during the thirty-minute Oral Question Period. Guidelines for Oral Question Period are provided as an addendum to the Standing Orders. These guidelines outline the kinds of questions that are, or are not, in order during Question Period. Members have up to 60 seconds to pose a question, ministers have up to 90 seconds to respond. The Speaker establishes a roster, based on the composition of the opposition, which allocates questions to opposition caucuses, and opposition and government private members.

### **Orders of the Day**

Under Orders of the Day the Assembly debates bills and motions brought forward by members. Government (Cabinet) business has precedence on Mondays, Tuesdays and Thursdays. When government business has precedence the government may call any of its bills or motions on the Order Paper in any order it chooses.

Private Members' Business has precedence on Wednesdays. Standing Order 14 sets out the way in which items of business are called on private members' days. Opposition private members business and government private members business takes precedence on alternate Wednesdays. The Government House Leader or Opposition House Leaders rise after Question Period on alternating Tuesdays to identify the business to be taken up under Orders of the Day on Wednesday.

Standing Order 14.2(2) establishes a roster for identifying which opposition caucus will have precedence on a given Wednesday when opposition private members' business is to be taken up. The roster contains six positions with three (positions 1, 2 and 5) allocated to the official opposition and three (positions 3, 4 and 6) allocated to the Third Party. The roster can also accommodate independent members.

### **Motions**

A motion is a proposal made by a member, in accordance with certain well-established rules, that the Assembly:

- do something
- order something to be done, or
- express an opinion with regard to some matter.

Once a motion is moved, it may be debated, amended, superseded, adopted, negated or withdrawn as the Assembly may decide. Every question when agreed to becomes an order of the Assembly or a resolution of the Assembly. By its orders, the Assembly directs its committees, its members, its officers, or any other person to do something. By its resolutions, the Assembly declares its own opinions or affirms a fact or principle. (More information on the crafting of motions is available in the "Guidelines for Drafting Motions" document circulated as attached by the Clerk's Office.)

To initiate a debate on a topic, a member must give notice of a motion that he/she wishes to move. Standing Order 27 sets out notice requirements. Motions come in four forms:

1. **Government Motions** - These are motions proposed by ministers. After proper notice, government motions appear on the Order Paper under the heading Government Motions.
2. **Motions other than Government Motions** - These are motions proposed by private members, including opposition members and those government caucus members not in cabinet. Private members' motions are dealt with on Wednesdays after proper notice has been given. The Standing Orders provide for opposition and government private members to debate their motions on alternate Wednesdays. The Standing Orders set out the complete sequence for dealing with private members' motions.
3. **Motions for the Production of Papers** - Procedurally, these motions are dealt with in a fashion similar to Motions other than Government Motions. In terms of form, a Motion for the Production of Papers requests the tabling of a certain document or documents, rather than the expression of an opinion or a request for an action. The motion must request a document (or documents) that already exists, and cannot compel the government to conduct research for the member proposing the motion. If the Assembly votes in favour of the

motion, it becomes an order of the House and the government must table the papers requested, although there is no specified time limit for doing so. The order to produce the document survives even if the legislative session is prorogued.

4. **Motions Respecting Committee Reports** – A motion for concurrence in a committee report is a Motion Respecting Committee Reports. While these motions are usually moved by a private member (normally the Chair of the committee in question) they may be designated to be debated as government business pursuant to Standing Order 13(3).
5. **Committee of the Whole Motions** – Substantive motions moved in Committee of the Whole can include motions for the appearance of witnesses. As each Committee of the Whole is a new entity, Committee of the Whole motions cannot be carried over to Committee of the Whole on a subsequent sitting day.

## Bills

A bill is a legislative proposal put before the Legislative Assembly for its consideration. A bill may propose an entirely new Act or propose to amend an existing Act. Once a bill has been considered, passed, and assented to, it becomes an Act. There are three types of bills:

1. **Government Bills:** Government bills are the most common type of bill in the Yukon Legislative Assembly. A government bill is introduced by a minister and directly reflects the policy of the government. Such a bill may be substantive in nature, proposing major new legislation, or it may be "housekeeping" in nature, fine-tuning existing legislation or altering technicalities in an Act.
2. **Private Members' Bills:** A private member's bill is a bill that seeks to establish or amend an Act, but is introduced by a private member. Any private member may introduce a bill to establish or amend an Act as long as the rules regarding money bills (below) are adhered to.
3. **Private Bill:** A private bill is a bill that will affect only the private interests of some group, organization, statutory body or individual. For example, a Private Bill would be sought by a private school wishing to incorporate legally. The

essential difference in procedure between a Private Bill and a Government Bill or Private Members' Bill is that the latter is introduced directly on a motion by a member whereas the Private Bill originates with a petition from the private individuals interested in promoting it. Private Bills have not been used with any regularity in the Yukon Legislative Assembly.

### **Money Bill**

In the Yukon Legislative Assembly there are three kinds of money bills (also known as budget bills): main appropriation bills, supplementary appropriation bills, and interim supply appropriation bills.

1. Main appropriation bills are introduced at the beginning of the fiscal year and outline the government's spending plans for all votes (government departments, corporations and independent offices) for the fiscal year. There is usually only one main appropriation bill per fiscal year, though some governments have separately introduced main capital appropriation bills and main operation and maintenance bills.
2. Supplementary appropriation bills are introduced through the course of the fiscal year to provide additional financial resources required by the government. There are usually two or three supplementary appropriation bills in each fiscal year.
3. Interim supply appropriation bills are introduced toward the end of a fiscal year if the government does not believe its main appropriation bill for the next fiscal year will be passed and assented to before the beginning of that fiscal year. Standing Order 76(7) states that Standing Order 76 which deals with closure at the end of a Sitting applies to an Interim Supply Bill on the final sitting day prior to the end of the fiscal year (March 31) in order that the government has sufficient operating funds until the main supply bill is passed. Only one interim supply appropriation bill (if required) would be introduced in a given fiscal year.

All three kinds of bills involve the spending of public funds. The *Yukon Act* and the Standing Orders require this kind of bill to have a recommendation by the Commissioner before the Assembly can consider it. The recommendation is a form, signed by the Commissioner, that is tabled with the bill when it is introduced in the

House. Only a minister may obtain this recommendation. This means a private member cannot introduce a money bill. The principle behind this prohibition is to preserve the exclusive right of the executive arm of government (the Cabinet) to initiate financial measures. This is necessary because the Cabinet is ultimately responsible for the management of public funds.

## **How A Bill Becomes Law**

A bill, which is a proposed law, cannot become law until it has received the approval of the Legislative Assembly **and** the assent of the Commissioner. The Legislative Assembly must, therefore, have the opportunity to consider a bill both in principle and in detail. To facilitate this consideration a bill must pass through a number of stages. The stages in the passage of a bill are outlined below.

### **Introduction and First Reading**

As described above, a member rises under Introduction of Bills during the Daily Routine and moves that a given bill be introduced and read a first time. The motion is voted on immediately and, if the motion is adopted, the bill is put on the Order Paper and stands ready for second reading. Once a bill has been introduced, it is distributed to members and made available to the public.

### **Second Reading**

At this stage, the principle of the bill is considered. Matters of detail are not discussed but members debate the general application and desirability of the bill. Once the bill has received second reading it is approved in principle. It is then referred to Committee of the Whole, or, rarely, to a standing, special or select committee.

### **Committee Stage**

When the Assembly resolves into Committee of the Whole, the Speaker leaves the Chair and the Deputy Speaker acts as the Chair of the Committee. In Committee of the Whole, there is general debate on the bill, covering the principles and details of the bill. The bill is then reviewed in detail, literally clause by clause. The minister sponsoring the bill answers questions on its details. A departmental advisor or two (the Deputy Minister or other official) may be seated next to the minister in the Chamber to give technical advice to the minister. However, departmental officials do not directly answer questions put to the minister. A member may, during the

committee stage move a motion for witnesses to appear in Committee of the Whole to answer questions related to the bill. Witnesses directly answer questions put to them by members, they do not advise the minister.

Each clause must be voted on at this stage. Members may also propose amendments to the bill as each clause is called for debate. A motion to amend a clause must be provided in writing with enough copies for the Table and members. Because the bill was approved in principle at second reading, proposed amendments must be in keeping with the principle of the bill. A member may request unanimous consent to deem several clauses (or the whole bill) read and carried at one time. Once the bill has been approved by Committee of the Whole, the Chair reports this back to the Assembly and the bill stands ready for third reading.

The standard procedure for the Yukon Legislative Assembly is to conduct the committee stage of a bill in Committee of the Whole. However, a bill may also be referred to a standing, select or special committee. Referring a bill to a standing, select or special committee separates the bill from the House procedures and allows the committee to deal with the bill on a different time line. In dealing with the bill the committee may hold in camera meetings, call witnesses, and hold public hearings. The committee's report on the bill would be tabled by the committee chair during the Daily Routine under Tabling Returns and Documents. The House can then consider the recommendations of the committee (including proposed amendments) during a debate on a motion to concur in the committee's report.

### **Third Reading**

Third Reading debate focuses on the effects of the bill if passed in its final form, including any amendments made at the committee stage. Once the bill has received third reading, it is ready for Assent by the Commissioner.

### **Recommittal**

After a bill has been reported with or without amendment from the committee stage, the Assembly may recommit the bill to the committee for further debate or amendment. A member can move a motion to recommit the bill when the bill is called for third reading, during debate on third reading, or after the bill has passed third reading but prior to assent.

The Assembly may recommit a bill without limitation, in which case the whole bill is opened for reconsideration. Or it can recommit the bill with instructions that the committee consider certain clauses or amendments, in which case only those clauses may be considered. It should be noted that recommitment of a bill is an extremely rare occurrence.

### **Assent**

Once a bill has passed through all its stages in the Legislative Assembly, Assent is required to make it an Act. The Commissioner grants Assent in his or her capacity as Lieutenant Governor. If the Commissioner is not available to grant assent to the bills that have passed the House, assent may be granted by the Administrator of Yukon or the Chief Justice of the Supreme Court of Yukon.<sup>22</sup> Once a bill receives Assent, it is then an Act.

### **Coming into Force**

This term refers to "The time when an Act or Regulation takes effect and becomes the law. Acts come into force upon Assent unless the Act specifies otherwise usually in a commencement section. Different provisions of the Act may come into force on different dates. The commencement section details how the Act or different provisions of the Act are to come into force; either on a specified date, under specified circumstances, or by Order-in-Council."<sup>23</sup>

### **Private Members' Business**

The Standing Orders provide that the Assembly will take up private members' business during Orders of the Day on Wednesdays. The order in which items are called on days when private members' business has precedence is set out in Standing Order 14. On the first Wednesday of a Session where private members' business has precedence, and every second Wednesday thereafter, priority is given to motions and bills standing in the name of opposition private members.<sup>24</sup> On the second Wednesday

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<sup>22</sup> This is provided for by section 5 of the *Yukon Act*.

<sup>23</sup> Government of Yukon webpage <http://www.gov.yk.ca/legislation/glossary.html>

<sup>24</sup> Private members' business will not have precedence on a Wednesday designated for the Address in Reply to the Speech from the Throne.



of a Session where private members' business has precedence and every second Wednesday thereafter, priority is given to motions and bills standing in the name of government private members (members of the government caucus who are not cabinet ministers). If, as occurred in the 2002 Spring Sitting, the government caucus has no private members, government business will have precedence during the time normally set aside for government private members' business.

## **General Notes on Proceedings**

### **Who May Speak**

Any member who rises to catch the Speaker's eye and is recognized by the Speaker may speak during debate. The Speaker recognizes a member by identifying that member by title or the electoral district the member represents. Despite the various conventions and informal arrangements to ensure opportunities for the representation of all members and caucuses in debate, it is ultimately the Speaker who decides who will be recognized at any given time. The Chair of Committee of the Whole enjoys the same discretion.

### **Rules of Debate**

The rules of debate are set out in Standing Orders 17 to 21. The rules are designed to ensure that debate is conducted in an orderly fashion and that all members who wish to participate can do so. Of particular interest is Standing Order 19, which describes the situations where the Speaker may call a member to order during debate. This includes the rules regarding unparliamentary language. Other guidelines for order and decorum are found elsewhere in this manual.

### **Voting**

Every motion debated in the Assembly – whether it is a substantive (stand-alone) motion, an amendment or subamendment, a motion for a reading of a bill, or a procedural motion – is resolved in either the affirmative or the negative. The process for voting on a bill or motion begins once all Members who wish to speak to the motion have spoken. The Speaker asks the Members if they are "prepared for the question." If so, the Speaker will then ask Members "Are you agreed?"

Section 28 of the *Legislative Assembly Act* says all questions before the House shall be decided "by a majority of votes cast." The standard approach is for Members to indicate whether they are in favour or against the proposal by a voice vote (stating that they 'agree' or 'disagree'). However, Standing Order 25(1) says the Speaker will call for a division (recorded vote):

- If the Speaker cannot determine whether the majority has voted in favour or against a motion, or
- where two members rise simultaneously in their places and request one. The Speaker will not consider the voice of a member who calls for a division while seated.

When a division is called for the Speaker will ring the division bells for at least two minutes, but no longer than five minutes. Members are to be in their assigned place in the Chamber before the bells stop ringing. The Speaker will not recognize a Member to vote if the Member is not in his or her assigned place.

Once the bells have stopped ringing, the Clerk will poll the members by asking them, in turn, to indicate whether they 'agree' or 'disagree' with the question before the House.

Members may not abstain from voting during a recorded division. Standing Order 25(6) says every member present must vote unless the vote is on a question where the member has a direct pecuniary interest.<sup>25</sup> If a member does not wish to vote during a recorded division, for whatever reason, he or she should leave the Chamber during the ringing of the division bells.

Once the division is concluded the Clerk will report the number of 'yeas' and 'nays.' The Speaker then declares the question carried or defeated. If there is a tie, the Speaker must give a casting vote.

There are two exceptions to the rules regarding votes. Section 18(4) of the *Conflict of Interest (Members and Ministers) Act* says a motion to appoint a Conflict of Interest

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<sup>25</sup> The exception to this rule is outlined in Standing Order 9(2) – questions concerning the indemnities, expenses or salaries of members of the Assembly. The exception includes questions regarding pension benefits.

Commissioner must be approved by two-thirds of members present for the vote. Section 2 of the *Ombudsman Act* says a motion to appoint an Ombudsman (who is also the Information and Privacy Commissioner and the Public Interest Disclosure Commissioner) must receive the support of two-thirds of all members of the Assembly. A member absent for the vote effectively counts as a 'nay.' To confirm that the appropriate threshold has been reached, the Speaker will automatically conduct a division on the question.

### **Other Assembly Business**

In addition to the business covered during the normal Daily Routine and Orders of the Day, there are other matters of business that the Assembly may deal with.

#### **Address in Reply to the Speech from the Throne**

The Speech from the Throne is prepared by the government and is read by the Commissioner. The speech sets out the government's agenda for that Session.

On the opening day of a new Session, following the Speech from the Throne, the Premier or the Government House Leader moves:

"THAT the Speech from the Throne be considered on a day following."

The Government House Leader will, from time to time, announce in the Assembly when debate will take place on the Speech from the Throne. The Standing Orders say that a maximum of three sitting days will be devoted to the Address in Reply to the Speech from the Throne, though these days need not be consecutive.

On the appointed days, the heading "Address in Reply to Speech from the Throne" will appear on the Order Paper as the first item of business under "Orders of the Day." Pursuant to Standing Order 26(2), the motion will have precedence over all other business except the Daily Routine.

The debate on the motion for an Address in Reply to the Speech from the Throne is very wide-ranging. It is one of the few opportunities that members have where it is in order to address almost any issue and to move from one topic to another within one speech. On the first day of debate, a government Member – usually a newly-elected Member – will move:

"THAT the following address be presented to the Commissioner of Yukon:

MAY IT PLEASE THE COMMISSIONER:

We, the members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious Speech which you have addressed to the House."

and give his or her speech. This member has unlimited time to speak to the motion.

The member speaking 'first in reply' also has unlimited time. However, only a member of the opposition is deemed to be speaking first in reply. Over the years various approaches have been taken by the Legislative Assembly regarding which member speaks second. At times another government private member has spoken second. In 2011 the Leader of the Official Opposition spoke second (hence, first in reply). All other members may speak for no more than 40 minutes and the member who moved the motion has up to 40 minutes to close the debate.

The speaking order is not determined by legislation or the Standing Orders. If there is to be a pre-determined speaking order that is a matter to be agreed to by the House Leaders. Otherwise, the Speaker will follow the usual practice and recognize members as they rise to speak.

Regardless of the speaking order an opposition member may move an amendment to the original motion. (Amendments are used by the opposition to challenge government policies or actions and are basically motions of "non-confidence".)

The Leader of the Third Party (if there is one) may move an amendment to the amendment proposed by the Leader of the Official Opposition (that is, a subamendment) during his or her speech.

After that, the usual procedure is for the Speaker to alternate between government members and opposition members for debate on the subamendment, the amendment and the main motion.

After the second day, a new amendment may not be moved. On the third day, the Speaker will put the question on the main motion at fifteen minutes before the ordinary adjournment [5:15 p.m.] unless debate has already concluded.

### **Matter of Urgent Public Importance**

A member may, pursuant to Standing Order 16, move a motion to adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance. To do, so the Member must submit written notice of the member's intention to raise the matter to the Speaker and the House Leaders at least two hours prior to the sitting of the Assembly (11:00 a.m.). The proper time to raise the matter in the House is after the Daily Routine and before Orders of the Day. At that time the Speaker will recognize the to "move adjournment of the ordinary business of the Assembly for the purpose of debating a matter of urgent public importance." The member will then describe to the House the nature of the urgent matter. The Speaker will then inform the House that the member has followed proper procedure in submitting written notice. The Speaker will then inform the House that

"Under the provisions of Standing Order 16(4), I may allow such debate as I consider relevant to the question of urgency of debate prior to ruling on whether the request for leave is in order. Is there any member who wishes to speak to that question?"

One member from each of the other caucuses in the Assembly may then briefly state the position of his or her caucus with respect to the request. The member's remarks should focus on the necessity of adjourning the ordinary business of the House to debate the issue. At this point the discussion should not focus on the issue itself.

The Speaker must then rule on whether the request is in order and of urgent public importance. If the Speaker rules that it is, he or she will ask the Assembly whether the member who proposed the debate on a matter of urgent public importance may proceed. If three or more members rise in their places, the Speaker will call upon the member who proposed the debate to proceed. If fewer than three members rise, the Speaker will immediately put the question to the Assembly to determine whether the member may proceed. The vote is taken without debate or amendment. If it is decided that the normal business will be set aside, each member wishing to speak will be limited to fifteen minutes. Once every member who wishes to has spoken, the Speaker will conclude the debate by saying:

Speaker: "I am satisfied that the debate has now concluded. We will proceed to Orders of the Day."

Note that though the Assembly may put aside its normal business to debate a motion of urgent public importance, the Assembly does not vote on the motion. It is for debate only.

Dealing with a matter of urgent and pressing necessity under Standing Order 28 does, however, entail a decision by the Assembly. Pursuant to this Standing Order a Member may rise after the Speaker calls for a Ministerial Statement, and before Question Period and ask the Assembly for unanimous consent to deal with a matter of urgent and pressing necessity. The Member will have a brief opportunity to explain why the matter is urgent and pressing. The Speaker will then ask the House if the Member has the unanimous consent of the House to move his or her motion. If unanimous consent is granted the House will debate the motion using the normal rules of procedure for a debatable motion. If unanimous consent is not granted the House will proceed with Question Period.

## **COMMITTEES OF THE LEGISLATIVE ASSEMBLY**

The Yukon Legislative Assembly has several types of committees, each with a different function and membership. However, there are important characteristics common to all committees. The maximum number of members on a committee is seven. The House Leaders decide which members are to be on each committee following informal discussion with their caucuses. The rules for the substitution and replacement of members are explained in Standing Order 47.

A committee has no authority except that which is delegated to it by the Assembly. A committee can consider only those matters that have been referred to it by the Assembly, although the Standing Committee on Public Accounts has some autonomy due to its broad mandate.

The committee system allows for more thorough study of certain subjects than is possible in the Assembly. More flexible procedures allow extended debate and questioning. The Assembly may authorize committees to call for persons, papers and records. This enables a committee to examine witnesses (usually civil servants) and obtain expert advice. Some committees also give the public the opportunity to make presentations and may be authorized by the Assembly to travel to obtain this input. Each committee is served by a Clerk (usually the Clerk of Committees) who records the decisions of the committee, advises the Chair and members on procedure, handles administrative duties, and drafts reports based on direction provided by the committee. Where necessary, logistical support (coordinating travel to communities, booking venues for public meetings, etc.) will also be provided by the committee Clerk. Research or other support staff are provided by the Legislative Assembly as necessary.

In the Yukon Legislative Assembly there are four basic types of committees: Committee of the Whole, standing committees, special committees and select committees. Committee of the Whole only meets during a sitting day, and then only during regular sitting hours. Standing, special and select committees meet only when the House is not sitting.

## **Committee of the Whole**

As the name implies, Committee of the Whole consists of all the members of the Assembly. It is, in fact, the Assembly itself acting less formally, presided over by the Chair of Committee of the Whole (the Deputy Speaker) rather than the Speaker, and operating according to more flexible rules of procedure. The Deputy Clerk of the Legislative Assembly is also the Clerk to Committee of the Whole. In that capacity it is that clerk's role to advise the Chair (and other Members) on procedure and to record the committee's actions.

The usual practice is for the Assembly to refer a bill to the Committee of the Whole immediately after second reading. In Committee of the Whole, bills receive general debate and are then considered clause by clause. It is during clause by clause examination that a bill may be amended. The title, preamble (if any), clauses and schedules (if any) of a bill are subject to debate and amendment (which, except for amendments requiring the expenditure of money, may be moved by any member).

Committee of the Whole also considers all main and supplementary appropriation bills. During budget debates ministers are questioned on the details of their department's expenditures. A minister may have departmental officials seated next to them to provide information as required but the officials do not respond directly to questions from members.

Senior civil servants may offer detailed technical briefings to opposition members prior to debate and departmental votes in the Assembly. The purpose of the technical briefing is to give opposition members the opportunity to talk to departmental officials about the contents of the estimates of a vote. However, questions about government policy are reserved for debate in the Assembly. Technical briefings are offered in the committee room prior to the start of a sitting day. The offer of technical briefings is a matter to be worked out between the caucuses, is not part of the procedures of the House, and does not fall under the authority of the Speaker.

### **Report to the Assembly by Committee of the Whole**

Just as the Committee of the Whole has no power to convene itself (it can sit only by motion of the Assembly), it has no power to adjourn itself. When members wish to terminate Committee of the Whole proceedings, a member must be a motion to



report to the House on the business conducted by the committee. Once that motion carries, a member may move that the Speaker resume the Chair. If the motion is carried, the Speaker returns to the Chair and the Chair of Committee of the Whole, standing at his or her MLA desk, reports on each bill (by number and title) dealt with under the following categories:

- bills reported without amendment,
- bills reported with amendment, and
- bills on which progress is reported.

The Speaker then puts to the Assembly the question for acceptance of the Chair's report. If the Assembly accepts the report, those bills reported without amendment and those reported with amendment stand ordered for third reading. If no amendments have been made, the bill may immediately go to third reading. If a bill has been amended it will appear on the Order Paper for the next sitting day under the heading 'Third Reading.' Bills upon which progress is reported (review of the bill has not yet been completed) continue to stand in Committee of the Whole until disposed of. Progress on a bill may also be reported when certain clauses are "stood over" (set aside temporarily) for further review and possible amendment.

## Standing Committees

Under the Standing Orders, the Legislative Assembly has four standing committees that must be appointed by order of the House at the start of the first Session of each legislature. The most important of these is the **Members' Services Board** (MSB). While Cabinet is the ultimate decision-making authority for the executive branch, the MSB is the ultimate decision-making authority for the legislative branch.

Standing Order 45(2) states that the MSB is to be appointed at the commencement of the first Session of each legislature and is to be chaired by the Speaker. The usual practice is for the Premier and the Leader of the Official Opposition to be appointed to MSB. If there is a Third Party in the Assembly the leader of that party is also appointed to MSB. In such situations the government caucus is provided with one additional position on the board and it is usually the Government House Leader who is appointed to fill that position.

MSB reviews matters of policy and administration affecting the Legislative Assembly. This includes considering budget submissions for the Legislative Assembly, the Office of the Ombudsman, the Conflict of Interest Commission, the Child and Youth Advocate Office, and the Elections Office. MSB deals with policy questions concerning office space allocation, staffing, caucus funding, media gallery rules, seating in the Assembly, and Hansard. Unlike other standing committees, MSB also has statutory responsibilities. These statutory responsibilities are laid out in the *Legislative Assembly Act*, the *Elections Act*, the *Ombudsman Act*, the *Conflict of Interest (Members and Ministers) Act*, the *Cabinet and Caucus Employees Act*, the *Child and Youth Advocate Act* and the *Legislative Assembly Retirement Allowances Act, 2007*.

The other standing committees that must be appointed are:

**The Standing Committee on Rules, Elections and Privileges** (SCREP).

This is the House committee responsible for reviewing parliamentary procedure (particularly the Standing Orders) and recommending changes to the Assembly. It may also deal with issues surrounding parliamentary privilege.

**The Standing Committee on Public Accounts** (the Public Accounts committee). The Public Accounts and all reports of the Auditor General are automatically and permanently referred to this committee as they become available. It is a common practice in Yukon and in many other Canadian jurisdictions for an opposition member to Chair this committee. In Yukon, the Leader of the Official Opposition has been the most frequent occupant of this Chair.

**The Standing Committee on Statutory Instruments** (the Statutory Instruments committee). This committee has the authority to review regulations that come into existence after the appointment of the committee. The Assembly may also refer previously existing or proposed regulations to this committee for review.

A fourth standing committee that may be appointed is the **Standing Committee on Appointments to Major Government Boards and Committees** (the Appointments committee). This committee has two functions:

1. To review nominations and recommend appointments to the Yukon Development Corporation Board of Directors, the Yukon Energy Corporation Board of Directors, the Yukon Workers' Compensation Health and Safety Board, the Yukon Lottery Commission, the Yukon Recreation Advisory Committee, the Yukon Arts Advisory Council, the Yukon Utilities Board, the Yukon Council on the Economy and the Environment; the Yukon Human Rights Commission; and the Yukon Human Rights Panel of Adjudicators.
2. To review other nominations proposed by the Executive Council (Cabinet) that are referred to it by the Executive Council.

### **Special or Select Committees**

The Assembly may appoint a special or select committee for any purpose, or to consider any matter. An important difference between the two is that once the chair of a special committee presents 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. Recent special and select committees include the Special Committee on Civil Emergency Legislation, the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing, the Select Committee on Whistle-blower Protection, the Select Committee on the Safe Use and Operation of Off-road Vehicles, the Select Committee on the Landlord and Tenant Act, the Select Committee on Human Rights, and the Select Committee on Anti-smoking Legislation.

### **Reports of Committees**

All committees report their findings to the Assembly. A committee appointed by the Assembly is expected to report to the Assembly with one voice. Therefore, a so-called 'minority report' is not in order. However, a committee may, at its discretion, include dissenting opinions in its report. A committee report is made to the Assembly when it is tabled by the Chair of the committee or by another member of the committee authorized by the Chair or the committee to table it. The House may debate a committee report by way of a motion for concurrence in the committee report. The

House may concur in all or part of the report and thereby adopt all, or some, of the committee's recommendations (if any). The House can order a committee to reconsider a matter. However, the House cannot amend a committee report.

## COMMONWEALTH PARLIAMENTARY ASSOCIATION (CPA)

The following Information on the CPA (other than information about the Yukon Branch) is taken from the CPA website <http://www.cpahq.org>

Statement of Purpose: The Commonwealth Parliamentary Association (CPA) connects, develops, promotes and supports Parliamentarians and their staff to identify benchmarks of good governance and the implementation of the enduring values of the Commonwealth.

The CPA collaborates with Parliaments and other organisations, including the intergovernmental community, to achieve its Statement of Purpose. It brings Parliamentarians and parliamentary staff together to exchange ideas among themselves and with experts in various fields, to identify benchmarks of good practices and new policy options they can adopt or adapt in the governance of their societies.

Commonwealth Heads of Government have recognised the Parliaments and Legislatures of the Commonwealth as essential elements in the exercise of democratic governance, and have endorsed the efforts of the Association as the parliamentary partner of the Commonwealth's governmental and non-governmental sectors.

CPA activities focus on the Commonwealth's commitment to its fundamental political values, including: just and honest government, the alleviation of poverty, fundamental human rights, international peace and order, global economic development, the rule of law, equal rights and representation for all citizens of both genders, the separation of powers among the three branches of government and the right to participate in free and democratic political processes.

### **Branches and Regions**

The Association is composed of over 180 Branches formed in Legislatures in Commonwealth countries which subscribe to parliamentary democracy. The Members of the Legislature in which a Branch is formed are entitled to become

Members of that Branch. For a Branch to qualify it must be a legislative body, thus both national and state or provincial Parliaments as well as the Legislatures of dependent territories may be members.

The Presiding Officers of Legislative Chambers are normally the Branch Presidents, while the Leaders of the Parliamentary parties are Vice-Presidents. The Clerk or Secretary-General of the Legislature usually acts as the Secretary of the Branch.

Every Branch is autonomous and the affairs of most Branches are managed by an Executive Committee, elected annually by Members and usually representative of all main parties or groups. Many Branches require their Members to pay an annual subscription and many permit Members to apply for associate status on ceasing to belong to the Legislature.

CPA Branches are currently grouped geographically into nine Commonwealth Regions for representation on the CPA Executive Committee and for the organization of regional conferences and seminars on parliamentary practice and procedure. The Regions of the CPA are: Africa; Asia; Australia; British Islands and Mediterranean (BIM); Canada; Caribbean, Americas and Atlantic (CAA); India; Pacific; South-East Asia.

### **General Assembly**

The General Assembly, the Association's supreme authority, is constituted by delegates to the Annual Commonwealth Parliamentary Conference.

The General Assembly has the ultimate authority to determine the policy and management of the Association including the annual membership fee and other financial obligations of the members of the Association; the Regions of the Association and the allocation of each Branch to a Region; the number of Regional Representatives; the venue within the Commonwealth of each plenary conference, and the number of delegates and officials which each Branch shall be entitled to send to a plenary conference.

Attendees at the General Assembly usually include the Officers of the Association; the Chairperson of the Commonwealth Women Parliamentarians;

Regional Representatives and Branch delegates to the plenary conference at which the meeting of the General Assembly is held. Other persons may be invited by the Association to attend the General Assembly as observers.

### **Commonwealth Women Parliamentarians**

Despite constituting half of the world's population, women continue to be disproportionately represented in governance and at all levels of decision-making. Women historically and globally have been the subject of cultural and legal disabilities which have hindered women's ability over generations to reach their full potential. Today, women participate in terms of real numbers in a minimal way in the political/parliamentary process despite their representation in populations globally. This reflects one of the last vestiges of the historical disproportion of female participation at the state and national levels of endeavour.

To affirm its commitment to strengthen the participation of women in government and society, the Commonwealth Heads of Government committed themselves to gender equality in the Harare Commonwealth Declaration of 1991. This was anchored by the CW Plan of Action for Gender Equality 2005-2015 Plan of Action (PoA), which draws on international commitments for the realisation of women's rights.

Recognizing the need of increasing women's representation in political institutions, the Commonwealth Women Parliamentarians (CWP) was founded by women delegates at the 1989 plenary CPA conference so women at future conferences could discuss ways to increase female representation in Parliament and work towards the mainstreaming of gender considerations in all CPA activities and programmes. In 2004, the group was formally recognized in the CPA Constitution and its elected Chairperson became part of the CPA Executive Committee.

### **Yukon Branch**

The Yukon Branch, an associate branch of the Canadian Region, is composed of the 19 Members of the Yukon Legislative Assembly. The Speaker is the branch President

and the Clerk of the Assembly is the branch secretary. Two vice-chairs (the Premier and the Leader of the Official Opposition) are elected at the annual general meeting. The Yukon Branch is a full member in CPA. As such, it is entitled to send a delegate and observers to the annual CPA General (international) Conference. There is also an annual conference of the Canadian Region which MLAs may attend. This conference includes a CWP meeting. There is also a fall seminar organized by the Canadian Region of the CPA.

### **Finances**

Each year the Legislative Assembly appropriation includes funds for the General Council (in the UK), the Canadian Regional Office, and the Yukon Branch. If a member attends a conference or seminar as the branch delegate, airfare and most expenses are paid out of the CPA budget.

### **CPA Publications**

Every member of the CPA is entitled to receive *The Parliamentarian* and the *Canadian Parliamentary Review*, both of which are published four times yearly.



## PROCEDURAL FORMS

### Bills

#### Introduction and First Reading (Government Bill)

"I move THAT Bill No.\_\_\_\_, entitled \_\_\_\_\_, be now introduced and read a first time."

#### Introduction and First Reading (Private Member's Bill)

"I move THAT a bill entitled \_\_\_\_\_, be now introduced and read a first time."

#### Second Reading

"I move THAT Bill No.\_\_\_\_, entitled \_\_\_\_\_, be now read a second time."

#### Third Reading

"I move THAT Bill No.\_\_\_\_, entitled \_\_\_\_\_, be now read a third time and do pass."

#### Referring a Bill to a Committee

A bill may be referred to a select committee. The committee must be established before a bill can be referred to it. The form for referring the bill would be as follows:

#### (Following First Reading)

"I move THAT Bill No. \_\_\_\_\_, entitled \_\_\_\_\_, be referred to the Select Committee on \_\_\_\_\_."

### **(During Second Reading)**

"I move THAT Bill No.\_\_\_\_, entitled \_\_\_\_\_, be now read a second time and be referred to the Select Committee on \_\_\_\_\_."

## **Motions**

### **During Notices of Motions**

"I give notice of the following motion. That it is the opinion of this House THAT\_\_\_\_\_."

### **During Debate**

"I move THAT \_\_\_\_\_."

## **Amendments to Motions**

### **Amendment to add words**

"I move THAT Motion No. \_\_\_\_ be amended by adding the **word (or phrase)** , ' \_\_\_\_\_ ' after the word (or phrase) ' \_\_\_\_\_ ' (or between the words [**or phrases**] ' \_\_\_\_\_ ' and ' \_\_\_\_\_ ')."

### **Amendment to replace words**

"I move THAT Motion No. \_\_\_\_ be amended by deleting the **word (or phrase)** ' \_\_\_\_\_ ' and inserting in its place ' \_\_\_\_\_ '."

### **Amendment to delete words**

"I move THAT Motion No. \_\_\_\_ be amended by deleting the **word (or phrase)** ' \_\_\_\_\_ '."

### **Amendment to an amendment (subamendment)**

"I move THAT the proposed amendment to Motion No. \_\_\_\_ be amended by \_\_\_\_\_ (any of the above)."

## **Tabling Returns and Documents**

### **Filed Documents (including official correspondence)**

"Mr./Madam Speaker, I have for tabling \_\_\_\_\_"

### **Sessional Papers**

"Mr./Madam Speaker, pursuant to section \_\_\_ of the (act, regulation, etc.), I have for tabling \_\_\_\_\_."

### **Legislative Returns**

"Mr./Madam Speaker, I have for tabling a legislative return."

"Mr./Madam Speaker, I have for tabling (number) legislative returns."

### **Returns to an Order for the Production of Papers**

"Mr./Madam Speaker, I have for tabling a return in response to the Order of the House pursuant to the adoption of Motion for the Production of Papers No. \_\_\_\_ regarding \_\_\_\_\_."

## **Petitions**

### **Presenting a Petition**

"Mr./Madam Speaker, I have the honour to present a petition relating to \_\_\_\_\_. (Or, the member presenting the petition may read the text of the petition). The petition has been signed by \_\_\_\_ people."

### **Response to a Petition (done under the heading "Petitions")**

"Mr./Madam Speaker, I have for tabling a response to Petition No. \_\_\_\_ regarding \_\_\_\_\_, which was presented to this House by the Member for \_\_\_\_\_ on \_\_\_\_\_ and received by this House on \_\_\_\_\_."

### **OR**

"Mr./Madam Speaker, I rise to respond to Petition No. \_\_\_\_ regarding \_\_\_\_\_, which was presented to this House by the Member for \_\_\_\_\_ on \_\_\_\_\_ and received by this House on \_\_\_\_\_."

## **Reports of Committees**

### **Presenting Reports**

A committee's report shall be presented by its Chair or another member of the committee, authorized by the Chair of the committee to do so in the following manner:

"Mr./Madam Speaker, I have the honour to present the (number) Report of the Standing/Special/Select Committee on \_\_\_\_\_."

### **Concurrence in or Rejection of Report (a motion)**

A member may move a motion regarding concurrence in a committee report using one of the following forms:

"THAT the (number) Report of the Standing/Special/Select Committee on \_\_\_\_\_ be concurred in."

"THAT the (number) Report of the Standing/Special/Select Committee on \_\_\_\_\_ be not now concurred in."

"THAT the (number) Report of the Standing/Special/Select Committee on \_\_\_\_\_ be recommitted to the committee with instruction that the committee have power to amend the same in respect to \_\_\_\_\_)."

## **Committee of the Whole**

### **Resolving into Committee of the Whole**

"Mr./Madam Speaker, I move THAT the Speaker do now leave the Chair and that the House resolve into Committee of the Whole."

### **Reporting Progress**

"Mr./Madam Chair, I move THAT you report progress on Bill No. \_\_\_\_, entitled \_\_\_\_\_."

### **Reporting a Bill**

"Mr./Madam Chair, I move THAT you report Bill No. \_\_\_\_, entitled \_\_\_\_\_, with (or without) amendment."

### **Reporting a Motion**

"Mr./Madam Chair, I move THAT you report Committee of the Whole Motion No. \_\_\_\_ with (or, without) amendment."

### **Concluding Committee of the Whole**

"Mr./Madam Chair, I move THAT the Speaker do now resume the Chair."

### **Chair's Report to the House and Speaker's Response (after the Speaker has resumed the Chair)**

Speaker: "May the House have a report from the Chair of Committee of the Whole?"

Chair: "Mr./Madam Speaker, Committee of the Whole has considered (list business to be reported) and directed me to report (insert instructions from Committee of the Whole).

Speaker: "You have heard the report from the Chair of Committee of the Whole. Are you agreed?"

Some Hon. Members: "Agreed."

Speaker: "I declare the report carried."

## **Adjournment**

### **Adjournment of Debate**

Member: "I move THAT debate be now adjourned." [This is a non-debatable motion.]

### **Adjournment of the House on a Regular Sitting Day**

Usually the Government House Leader moves a motion for adjournment but any member can move it. This is a non-debatable motion.

Government House Leader: "Mr./Madam Speaker, I move that the House do now adjourn."

Speaker: "It has been moved by the Government House Leader that the House do now adjourn."

Once the question has been put and the motion is carried:

Speaker: "This House now stands adjourned until 1:00 p.m. tomorrow" (or "Monday").

If a motion for adjournment is defeated, the Assembly must conduct some interim proceeding (not further debate) before another motion for adjournment can be made. If the time reaches the normal time of adjournment and a member is speaking, the Speaker interrupts the member and says:

Speaker: "Order, please. The time being 5:30 p.m. this House now stands adjourned until 1:00 p.m. tomorrow." (or "Monday")

### **Sitting Beyond the Normal Hour of Adjournment**

If, for some reason, members decide to sit beyond the normal hour of adjournment (5:30 p.m.) the Government House Leader or his or her designate must move such a motion at least a half hour before the normal adjournment time (5:00 p.m.). Such a motion may extend the sitting to a specific time or to an unspecified time when the House agrees to adjourn. Either way, the motion must designate the business to be dealt with and may be moved either with the Speaker in the Chair or in Committee of the Whole. The motion is debatable and debate on the motion cannot extend past the normal hour of adjournment. If it is passed in Committee of the Whole, the Chair must report the motion to the Assembly when he/she gives the report from Committee of the Whole.

Government House Leader (or designate): "I move THAT the Committee of the Whole and the Assembly be empowered to sit after 5:30 p.m. until such time it is agreed to adjourn, for the purpose of (here state reasons for sitting beyond the normal hour of adjournment)."

### **Adjournment to a Specified Date**

From time to time, the House may be adjourned to a specified date to, for instance, not sit on Remembrance Day. This is a debatable motion but is usually agreed to in advance.

Government House Leader: "I move that the House, at its rising, do stand adjourned until 1:00 p.m., on (specific day and date).

### **Extended Adjournment of the House**

Chapter 14 of the Standing Orders outlines, among other things, a procedure whereby the House Leaders determine the number of sitting days in each Spring and Fall Sitting. This chapter also includes a mechanism for adjourning the Sitting once the maximum number of sitting days has been reached and the designated government business before the Assembly is dealt with. In adjourning the House for an extended period the Speaker shall declare:

"As the House has reached the maximum number of days permitted for the (Spring or Fall) sitting, as established pursuant to Standing Order 75, and the House has completed consideration of the designated legislation, it is the duty of the Chair to declare that this House now stands adjourned until such time as it is reconvened pursuant to the provisions of Standing Order 73."