

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
9TH ASSEMBLY, 10TH SESSION**

TABLED DOCUMENT NO. 21-83(1)

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T.D. 21-83(1)
Tabled Mar. 9/83

SPEAKER'S STATEMENT

ON

QUORUM IN THE LEGISLATIVE ASSEMBLY

THE QUESTION WAS RAISED IN COMMITTEE OF THE WHOLE ON TUESDAY, MARCH 1, 1933 CONCERNING THE LACK OF A QUORUM IN COMMITTEE. I FEEL I SHOULD CLEAR THIS POINT UP SO ALL MEMBERS ARE AWARE OF THE RULES THAT APPLY.

THE NORTHWEST TERRITORIES ACT, CLAUSE 11 SUBSECTION (5) SETS THE QUORUM AND I QUOTE: "A MAJORITY OF THE COUNCIL, INCLUDING THE SPEAKER CONSTITUTES A QUORUM." THIS IS CONFIRMED IN OUR HOUSE RULES, RULE 5, WHICH STATES: "THE PRESENCE OF A MAJORITY OF THE ASSEMBLY INCLUDING THE SPEAKER IS NECESSARY TO CONSTITUTE A MEETING OF THE ASSEMBLY FOR THE EXERCISE OF ITS POWERS AS PROVIDED IN THE NORTHWEST TERRITORIES ACT." THIS MEANS THAT 12 MEMBERS ARE REQUIRED TO BE PRESENT TO CARRY ON THE BUSINESS OF THE HOUSE.

CONCERNING A QUORUM IN COMMITTEE OF THE WHOLE, RULE 6 9(1) IS QUITE CLEAR AS IT STATES THAT "THE RULES SHALL BE OBSERVED IN COMMITTEE OF THE WHOLE IN SO FAR AS THEY ARE APPLICABLE." IT IS MY OPINION THAT RULE 5 CONCERNING QUORUM APPLIES WHILE IN COMMITTEE OF THE WHOLE.

BY PRECEDENT AND PRACTICE WHILE IN COMMITTEE OF THE WHOLE IN THIS HOUSE, THE CHAIRMAN HAS NOT RECOGNIZED THE LACK OF A QUORUM UNLESS IT HAS BEEN DRAWN TO HIS ATTENTION BY A MEMBER. THE PRACTICE THEN HAS BEEN TO RECESS UNTIL A QUORUM OF MEMBERS IS PRESENT. RULE 6 OF THIS HOUSE STATES AND I QUOTE: "IF AT

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THE TIME OF MEETING THERE IS NOT A QUORUM, THE SPEAKER SHALL ADJOURN THE ASSEMBLY AND THE TIME OF THE ADJOURNMENT AND THE NAMES OF MEMBERS PRESENT SHALL BE ENTERED IN THE DEBATES."

I AM WELL AWARE THAT THIS REFERS TO THE OPENING OF EACH SITTING DAY AND I, IN MY TENURE AS SPEAKER, HAVE NOT ENFORCED THIS RULE AND IF I HAD THE BUSINESS OF THIS HOUSE WOULD HAVE BEEN DELAYED BY DAYS AS MEMBERS ARE AWARE, WE DO NOT ALWAYS HAVE A QUORUM AT THE HOUR SET FOR DAILY SITTING.

STANDING ORDER 5 OF THE HOUSE OF COMMONS AND OTHER REFERENCES I HAVE CHECKED IN BEAUCHESNE 208 AND 212 SPELL OUT QUITE CLEARLY THE PROCEDURE TO BE USED FOR LACK OF A QUORUM IN FORMAL SESSION AND IN COMMITTEE OF THE WHOLE. IN OTHER JURISDICTIONS, IF THE ATTENTION OF THE CHAIRMAN IS DRAWN BY A MEMBER THAT THERE IS NOT A QUORUM PRESENT THE CHAIRMAN FOLLOWS THE COURSE THE SPEAKER WOULD TAKE AS IF THE HOUSE WAS IN FORMAL SESSION. IF THE CHAIRMAN ASCERTAINS THAT 12 MEMBERS ARE NOT PRESENT HE LEAVES THE CHAIR, THE HOUSE RESUMES, AND, ON HIS REPORT, THE SPEAKER HAS THE CLERK COUNT THE HOUSE, AND IF THERE IS NOT A QUORUM, HE MUST ADJOURN THE HOUSE FORTHWITH UNTIL THE NEXT SITTING DAY. IN THE HOUSE OF COMMONS, THE SPEAKER, UPON DETERMINING THAT A QUORUM IS LACKING, SHALL ORDER THE BELLS TO RING FOR NO LONGER THAN 15 MINUTES AND IF ON A COUNT THERE IS STILL NO QUORUM, ADJOURNS THE HOUSE UNTIL THE NEXT SITTING DAY.

I HAVE A CONCERN THAT IF WE CONTINUE TO LOSE A QUORUM IN COMMITTEE,

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OR FORMAL SESSION, I WILL HAVE TO USE RULE 6 OF OUR HOUSE AND ADJOURN UNTIL THE NEXT SITTING DAY. I HAVE DISCUSSED THE MATTER WITH THE DEPUTY SPEAKER AND DEPUTY CHAIRMEN OF COMMITTEE AND THEY, LIKE ME, DO NOT WISH TO HAVE TO PLACE RIGID RULES ON MEMBERS. I HAVE THEREFORE INSTRUCTED THE CHAIRMEN OF COMMITTEE THAT IF IT IS DRAWN TO THEIR ATTENTION BY A MEMBER THAT THE COMMITTEE LACKS A QUORUM THAT THE CHAIRMAN WILL RING THE BELLS FOR 15 MINUTES AND IF AFTER THAT TIME NO QUORUM IS PRESENT, HE WILL RISE AND REPORT THE MATTER TO THE SPEAKER.

I AM SURE MEMBERS WILL APPRECIATE THAT THE SPEAKER AND CHAIRMEN OF COMMITTEE HAVE TO ENSURE THAT THE BUSINESS OF THE HOUSE IS CONDUCTED ACCORDING TO THE RULES AND IN AN EFFICIENT AND EXPEDIENT MANNER. I, THEREFORE, TRUST MEMBERS WILL REFLECT ON MY STATEMENT AND CONDUCT THEMSELVES ACCORDINGLY.

MARCH 6, 1983

