

# **12th Assembly**

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## **Standing Committee on Rules, Procedures and Privileges**

### **Final Report on the Comprehensive Review of the Rules**

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Chairperson**

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**Standing Committee on Rules, Procedures and Privileges:**

*Terms of Reference:*

The Standing Committee on Rules, Procedures and Privileges may, on its own authority:

- a) examine the Rules, procedures, practices and powers of the Legislative Assembly; and

the Standing Committee on Rules, Procedures and Privileges shall:

- a) inquire into such matters as may be referred to it by the Legislative Assembly, the Speaker, the Management and Services Board, a Standing or Special Committee, or by Caucus;
- b) inquire into matters of privilege as they arise; and
- c) establish its quorum to be three Members including the Chair.

## CONTENTS

	<u>Page</u>
<b>Executive Summary</b>	<b>i</b>
<b>Introduction</b>	<b>1</b>
<b>Member's Statements</b>	<b>2</b>
<b>Further Returns to Oral Questions</b>	<b>4</b>
<b>Committee Reports</b>	<b>5</b>
<b>Sitting Hours</b>	<b>6</b>
<b>Responses to Oral and Written Questions</b>	<b>7</b>
<b>Oral Questions</b>	<b>9</b>
<b>Procedure for Assenting to Bills</b>	<b>10</b>
<b>Election of Speaker and Executive Council</b>	<b>11</b>
<b>Emergency Debate</b>	<b>12</b>
<b>Order and Decorum</b>	<b>13</b>
<b>Official Languages</b>	<b>14</b>
<b>Tabled Documents</b>	<b>14</b>
<b>Rules on Private Bills</b>	<b>15</b>
<b>Petitions</b>	<b>16</b>
<b>Security</b>	<b>17</b>
<b>Cultural Issues</b>	<b>18</b>
<b>Gender Bias, Grammatical Inconsistencies and Simplification of the Rules</b>	<b>20</b>

## EXECUTIVE SUMMARY

The Standing Committee on Rules, Procedures and Privileges has completed its comprehensive review of the Rules of the Legislative Assembly of the Northwest Territories.

The Standing Committee consulted with all Members of the Legislative Assembly by questionnaire, to obtain their views and recommendations for changes to the Rules, and also received referrals on further specific issues during the timeframe of the review. The Committee presented its Interim Report on the Comprehensive Review [C.R. No. 15-12(2)] on June 26, 1992.

The Standing Committee on Rules, Procedures and Privileges met on several occasions to consider suggestions received for amendments to the Rules.

Following a referral from the Ordinary Members' Caucus, the Standing Committee on Rules, Procedures and Privileges discussed whether amendments should be made to the time allotted for Members' Statements. While the Standing Committee recognizes the wish of Ordinary Members to have sufficient time for their Statements, the Committee is also mindful of the need to have the business of the House proceed on an efficient and timely basis. Therefore, the Committee does not recommend that the time allotted for Members' Statements be increased at this time.

The Standing Committee on Rules, Procedures and Privileges discussed the matter of "Further Returns to Oral Questions", referred by the Speaker. Again, the Standing Committee does not recommend an amendment to the Rules on this issue. The Speaker's rulings have made it clear that Oral Questions which have not been specifically taken as notice will be recorded as having been answered. When a Minister considers it necessary to provide additional information on a Question that has been answered, the current practice of providing the "Further Return" under the item "Returns to Oral Questions" is appropriate.

The Standing Committee on Rules, Procedures and Privileges recommends an amendment to the Rules with respect to a referral received from the Government House Leader. The Committee is of the opinion that a Rule should be added specifying that Reports of Standing and Special Committees moved into Committee of the Whole not be considered until two sitting days have passed from the presentation of the Report. This would allow Members who are not Members of a Committee presenting a report, and Ministers, adequate time to review Committee Reports in order to contribute effectively to the debate in Committee of the Whole.

On February 17, 1993, a motion was carried by the Assembly adopting a provisional Rule change to the sitting hours of the House, until prorogation of the Third Session. The Speaker has been adjourning the Assembly each Wednesday upon the completion of Oral Question period, so that Members may have more time available for Committee and constituency work. The Standing Committee would welcome the comments of all Members on their experience with this revised schedule.

The Standing Committee on Rules, Procedures and Privileges considered several issues relating to Oral and Written Questions. The Committee discussed whether timeframes should be instituted within the Rules for Returns to Oral and Written Questions. The Standing Committee is of the opinion that flexibility should be maintained with respect to Oral Questions, as this allows Members to raise concerns of immediate concern. However, the Committee holds the view that a Rule specifying the timeframe for Returns to Written Questions would assist the efficient functioning of the House. The Committee is of the view that a Rule should be instituted requiring Returns to Written Questions to be provided within 21 calendar days, unless the Minister indicates to the House in writing that more time is required.

The Standing Committee is of the opinion that no amendments to the Rules are necessary with respect to the length of Oral Question period, or relating to preambles for Oral Questions.

The Standing Committee on Rules, Procedures and Privileges discussed the procedure by which the Commissioner Assents to Bills. The Standing Committee holds the view that the current practice, by which the Commissioner grants Assent within the Chamber in public view, is the preferable method. However, the Committee is of the opinion that Assents may appropriately be granted elsewhere when circumstances require. The Clerk may then report to the Assembly that Assent has been granted.

It was suggested to the Standing Committee on Rules, Procedures and Privileges that the Rules might be amended to incorporate the procedure for the election of the Speaker and Executive Council by the *Territorial Leadership Committee*, established in 1991. However, as these procedures are still evolving, the Standing Committee is of the view that it would be premature to bind the Assembly to this process at present.

The Standing Committee on Rules, Procedures and Privileges recommends that the Rules be amended to provide a procedure by which the Orders of the Day may be set aside for emergency debate on a matter of urgent public importance. The question of whether a matter would properly be the subject of emergency debate would be subject to the ruling of the Speaker.

The Standing Committee on Rules, Procedures and Privileges considered matters relating to order and decorum within the Chamber which were brought to its attention by Members. However, the Standing Committee is of the view that no amendments in this area are necessary at this time.

The Standing Committee on Rules, Procedures and Privileges reviewed the Rules in light of the *Official Languages Act*, which establishes eight official languages for the Northwest Territories. However, the Standing Committee is of the opinion that the procedures of the House in this respect should remain flexible.



The Standing Committee on Rules, Procedures and Privileges is of the opinion that a Rule should be added to reflect the current procedures for the tabling of documents.

The Standing Committee on Rules, Procedures and Privileges discussed the Rules relating to Private Bills. These Rules allow members of the public to introduce bills before the House, rather than having the bill introduced by an Ordinary Member or by the Cabinet. As this procedure is not used, and as any bill requires the support of Members in order to be passed, the Standing Committee is of the view that these Rules should be deleted.

It was brought to the attention of the Standing Committee on Rules, Procedures and Privileges, that the current Rule allowing Petitions to be presented to the House is not clear as to whether Petitions may be presented only by Members of the Legislative Assembly, or also by members of the public. The Rule has been interpreted to date so that petitions may be presented only through a Member of the Assembly. However, the Standing Committee is of the opinion that it would be consistent with the principle of open government to allow members of the public to present petitions to the House, by filing them with the Clerk. The Rules would continue to allow Members of the Assembly to present petitions in the current manner.

The Standing Committee discussed whether amendments were required to improve the security of the Assembly Chamber. However, the Standing Committee is of the view that no amendments are necessary in this area.

The Standing Committee on Rules, Procedures and Privileges discussed at length the views that Members provided with respect to the cultural relevance of the proceedings of the Legislative Assembly. The Standing Committee holds the view that amendments to the Rules may be appropriate to better reflect the cultural diversity of the people of the Northwest Territories. It has been proposed that the Rules requiring Members to bow to the Mace be removed, and that other symbols be incorporated which better reflect aboriginal traditions, such as the symbol of the fire, and the drum.

However, the Standing Committee recognizes that further discussion is required among all Members before changes are incorporated within the Rules. The Standing Committee would welcome the suggestions of Members on these matters.

During its comprehensive review, the Standing Committee included a focus on eliminating grammatical inconsistencies and gender bias within the Rules, and on simplifying the language of the Rules.

The Standing Committee came to the conclusion that these objectives could best be accomplished through a redrafting of the Rules, to be presented to the Assembly in the form of a new Rulebook. The new Rulebook would also incorporate the amendments within the Final Report of the Standing Committee on Rules, Procedures and Privileges that receive the approval of the Assembly.

The following recommendations are included in the Final Report of the Standing Committee on Rules, Procedures and Privileges:

#### **Recommendation #1**

*that the Rules be amended to specify that reports of Standing and Special Committees shall not be taken into consideration until two sitting days have passed from the presentation of the report.*

#### **Recommendation #2**

*that the Rules be amended to incorporate a requirement that Returns to Written Questions be provided within 21 calendar days, unless the Minister indicates to the House in writing that more time is required, specifies the reason for the delay, and indicates the date upon which the information will be provided.*

### **Recommendation #3**

*that the procedure for Assenting to Bills in the Legislative Assembly Chamber continue as the usual practice of the Assembly, but that Assents be given elsewhere when circumstances dictate, and be then reported to the House.*

### **Recommendation #4**

*that the Rules be amended to include a procedure for Emergency Debate on matters of urgent public importance, upon one hour's notice being provided to the Speaker;*

*and further, that the Speaker shall rule on the question of whether debate shall be allowed.*

### **Recommendation #5**

*that the Rules be amended to include a Rule allowing the tabling of documents and allowing a brief statement to be given which identifies the document.*

### **Recommendation #6**

*that the Rules establishing a procedure for the introduction of Private Bills by members of the public be deleted.*

### Recommendation #7

*that the Rules be amended to allow members of the public to present petitions to the Legislative Assembly by filing them with the Clerk, provided that such petitions contain a minimum of twenty-five signatures and address a public matter.*

### Recommendation #8

*that a new Rulebook be drafted and presented to the Assembly for approval prior to the conclusion of the Third Session,*

*and further, that the Rulebook incorporate the amendments approved by the Assembly from this report,*

*and further, that the Rulebook incorporate revisions to correct grammatical inconsistencies and gender bias within the Rules,*

*and further, that the Rulebook incorporate revisions to simplify the Rules.*

## INTRODUCTION

The Standing Committee on Rules, Procedures and Privileges has been given the responsibility to review the Rules of the Legislative Assembly and any other matters brought to its attention by Members.

During the first meeting of the Standing Committee on Rules, Procedures and Privileges of the Twelfth Assembly, the Committee agreed to undertake a comprehensive review of the current Rules of the Legislative Assembly. A comprehensive review of the Rules had not taken place since the Tenth Assembly. Committee Members were of the opinion that this review was necessary to ensure that the current Rules allow Members to best perform their Parliamentary duties in a consensus system. Some Members of the Twelfth Legislative Assembly had also expressed the view that the Rules could better reflect the cultural traditions of the people of the Northwest Territories. It was also decided that the review should focus, as well, on eliminating grammatical inconsistencies and terms reflecting gender bias.

The Standing Committee consulted with all Members of the Legislative Assembly to obtain their views and recommendations as to improvements that could be made to the Rules. A questionnaire was sent to all Members in May, 1992, to request Members' opinions. As well, the Committee received further referrals for its consideration during the timeframe of the review.

The Standing Committee on Rules, Procedures and Privileges presented its Interim Report on the Comprehensive Review of the Rules [C.R. No. 15-12(2)] to the Legislative Assembly on June 26, 1992. The Committee reported on the topics that were suggested for its consideration by Members and staff, and solicited further comment. The Committee also reported its decision to undertake a reassessment of the Rules to simplify their language and sentence structure.

In its Interim Report, the Standing Committee also noted that a referral had been received from Caucus that the Committee review and report on the conduct of Members. The Standing Committee has been examining this issue in depth, and will report on its progress to Caucus.

Since the Interim Report, the Standing Committee has also received a referral from Caucus, requesting that the Committee develop guidelines for the impending use of television within the Chamber, for review and adoption by the House. The Committee will report on its progress on this issue as well in a separate Committee Report during this Session.

The Standing Committee on Rules, Procedures and Privileges has met on numerous occasions since its last report to consider Rule changes that might enable the House to perform its duties in a more effective and efficient manner, and that might better reflect the cultural diversity of the people of the Northwest Territories.

### **Members' Statements**

A referral was received from the Ordinary Members' Caucus asking that the Standing Committee on Rules, Procedures and Privileges consider extending the length of Members' Statements within the Rules from two and one-half to three and one-half minutes. A survey of all Members also produced several comments on this issue. These included suggestions that the time allowed for each Members' Statement should be increased, that the time should not be changed, and that the time should be increased for statements in the aboriginal languages.

The time allotted for Members' Statements within the Rules was increased from two to two and one-half minutes on November 2, 1989.

The Standing Committee requested that an analysis of Members' Statements be undertaken to determine how often unanimous consent had been requested in order for Members to conclude their statements.

The Standing Committee found that from the First to the Second Sessions of the Twelfth Legislative Assembly (to November 17, 1992), the percentage of statements for which unanimous consent to conclude was sought rose from approximately 6% to approximately 21%.

The Standing Committee recognizes the wish of Ordinary Members to be accorded an adequate amount of time to communicate their constituents' concerns. However, the Committee is also mindful of the decision to televise the proceedings of the Legislative Assembly in the near future. The Committee is of the opinion that all Members must participate in efforts to have the business of the Assembly proceed in a timely fashion.

The Standing Committee notes that there has not been a tendency for Members' Statements given in the aboriginal languages to be longer than others. With the requirement that all statements be simultaneously interpreted, the Committee was of the opinion that the time allotted to all statements should be equal.

Accordingly, the Standing Committee on Rules, Procedures and Privileges does not recommend an amendment to the Rules in relation to the length allowed for Members' Statements at this time.

The Standing Committee would like to add that it might be of assistance to the interpreters if each Member provided a copy of his or her statement, including those given in English, to the interpreters in advance. By preparing statements in writing, Members may also be better able to estimate and adjust the length of their comments. As well, the Committee takes this opportunity to remind Members that pursuant to Rule 23(3), Members' Statements are to be confined to one matter only.

## Further Returns to Oral Questions

The Speaker referred the matter of "Further Returns to Oral Questions" to the Standing Committee on Rules, Procedures and Privileges. The practice of some Ministers at times is to give a partial response to a question, with an offer to provide further information. This information has been provided as a "Further Return".

The Speaker's rulings have made it clear that unless a question is specifically taken as notice by the Minister, it will not be recorded as such. The official House record will indicate that the question has been answered. As well, when a Minister answers a question in this manner rather than taking it as notice, supplementary questions may be allowed on the same subject.

However, the Standing Committee recognizes that on occasion, a Minister may inadvertently give incorrect or incomplete information to the House in response to an Oral Question, and may wish to provide additional information at a later time. The Committee was of the opinion that the current practice of providing a "Further Return to an Oral Question" is an appropriate method of dealing with such situations. A "Further Return", where necessary, should be given under the item "Returns to Oral Questions" on the Orders of the Day.

The Standing Committee on Rules, Procedures and Privileges is of the opinion that an amendment to the Rules is not necessary to accommodate this procedure.



## Committee Reports

The Standing Committee on Rules, Procedures and Privileges received a referral from the Government House Leader regarding consideration of the reports from Standing and Special Committees. Currently, when reports of these Committees are presented to the House, the Rules allow the report to be read into the record, and by motion, to be moved into Committee of the Whole for further discussion.

The Standing Committee was informed that Cabinet was concerned that reports may be automatically put on the Orders for Committee of the Whole for the day on which they are received by the House. If the House wishes, reports may be considered and recommendations approved on that day. Although serious problems have not yet arisen, there is a potential for reports to be considered and approved in Committee of the Whole before Ministers have had an adequate opportunity to review the reports, to consult with their departmental officials, and to make significant contribution to the debate. This could also be a matter of concern to those Ordinary Members who are not Members of a Committee that is presenting a report, as they may wish to review the report to be in a better position to contribute to the debate.

It was suggested to the Standing Committee that a Rule specifying that reports moved into Committee of the Whole may not be considered until two sitting days have passed would avoid such problems. This is the case for bills reported to the House by a Committee. The Rule could be waived by unanimous consent for routine reports to avoid unnecessary delays.

The Standing Committee consulted with the Chairs of the Standing and Special Committees by correspondence, and did not receive any objections to the request of the Government House Leader. The Committee was of the opinion that a Rule delaying the consideration of reports of Standing and Special Committees would allow a more comprehensive debate of the issues before the House.

## Recommendation #1

Therefore, this Committee recommends:

*that the Rules be amended to specify that reports of Standing and Special Committees shall not be taken into consideration until two sitting days have passed from the presentation of the report.*

### Sitting Hours

The Standing Committee on Rules, Procedures and Privileges discussed at some length the question of the sitting hours of the Assembly, and the suggestion of leaving one day each week open for Committee and constituency business of Members.

Several concerns have been raised in the past regarding the schedule of Members during session. Often meetings are held during each morning and evening, around the sitting hours of the Assembly. Although attempts have been made to curtail the number of Committee meetings, the schedule and workload of each Committee often requires several meetings to be held during session.

The Standing Committee recognizes as well, however, that many Members are unable to return to their constituencies for lengthy periods of time while the House is sitting, and that proceeding with the business of the House in an efficient manner is a priority.

The Standing Committee was of the opinion that a provisional amendment to the Rules, to be in force for a limited term on a trial basis, would be an effective means of addressing the scheduling problems. This would allow further input to be provided by Members on the issue, based on their experience with the amendment. Therefore, on February 17, 1993, a motion for a provisional rule change to the sitting hours was moved by the Chairperson of the Standing Committee on Rules, Procedures and Privileges, and was carried by the Assembly.

Until the prorogation of the third session, the Speaker shall adjourn the Assembly each Wednesday until the next sitting day upon the completion of Oral Question period.

The Standing Committee would welcome the comments of the Members on this provisional amendment.

### **Responses to Oral and Written Questions**

The Standing Committee on Rules, Procedures and Privileges considered the issue of whether timeframes should be instituted for responses by Ministers to Written or Oral Questions. As well, the Committee discussed whether Returns to Written Questions should be required to be filed with the Clerk of the Legislative Assembly during extended adjournments.

The Standing Committee is of the opinion that there should be no timeframe incorporated within the Rules for responses to Oral Questions. Where an issue is uncomplicated and urgent, a Member may wish to raise the issue again rather quickly, to request that a Minister address the issue and provide a response.

Where a response is more complex, a Minister may indicate, when questioned, that more time is required to investigate the issue. As the Oral Question period allows Members to raise issues of immediate concern, the Committee is of the view that flexibility should be maintained. Accordingly, the Standing Committee does not recommend an amendment to the Rules in this area.

With respect to Written Questions, the Standing Committee is of the opinion that a Rule specifying the timeframe for a response would assist the efficient functioning of the House.

The Standing Committee holds the view that a time period of 21 calendar days would allow sufficient time for responses to be provided to most Written Questions. However, accommodation should be made for complex matters. Where 21 days is not adequate, the Committee is of the view that the Rules should provide a method for the Minister to indicate to the House in writing that more time is required, and to specify a date upon which the response will be provided.

### **Recommendation #2**

Therefore, this Committee recommends:

*that the Rules be amended to incorporate a requirement that Returns to Written Questions be provided within 21 calendar days, unless the Minister indicates to the House in writing that more time is required, specifies the reason for the delay, and indicates the date upon which the information will be provided.*

The Standing Committee was also of the view that the current procedure by which Returns to Written Questions are provided should be clarified. Currently, Rule 56 provides that the Minister must file a Return to a Written Question with the Clerk, who will inform the Assembly, distribute copies to all members and have the reply printed in Hansard. The Minister may also choose to read the reply in the House.

The Standing Committee is of the opinion that the requirement to file a Return to a Written Question with the Clerk applies as well to Returns which are provided during an adjournment.

### **Oral Questions**

The Standing Committee on Rules, Procedures and Privileges considered several issues relating to Oral Questions. Some suggestions received by the Standing Committee were to expand the time period allowed for Oral Questions, to leave the time period open, and to allow a sufficient preamble within the Rules.

The Standing Committee is of the opinion that no amendment to the Rules is required with respect to the length of the Oral Question period. The Question period has been extended from time to time by unanimous consent, but the Committee is mindful of the general need to ensure that the business of the House continues to proceed efficiently. Given the large amount of business regularly before the House, extensions of Oral Question period should occur only in exceptional circumstances.

As well, as the Speaker has frequently reminded the House, both Ordinary Members and Ministers carry responsibility for being concise in their questions and answers, so as to ensure sufficient time for others to be heard. Oral questions should be used in those cases where the answer might reasonably be expected to be within the knowledge of the Minister; Written Questions should be used for more complex issues.

The current Rules allow for some explanation of an Oral Question to be offered as a preamble. The appropriate length of a particular preamble is subject to the ruling of the Speaker, and the Standing Committee holds the view that it is not necessary to add any further restriction within the Rules. The present Rules are clear that arguments and opinions shall not be offered. It is also not appropriate to frame questions so that they seek the personal or professional opinion of a Minister.

The Standing Committee also recognizes that while Rule 55 does not specifically reflect this, parliamentary convention also allows a Minister to refuse to answer a question where circumstances require. For example, other conventions of the Assembly may require that the matter not be discussed in the House.

### **Procedure for Assenting to Bills**

The Standing Committee on Rules, Procedures and Privileges discussed the current procedure by which the Commissioner of the Northwest Territories Assents to Bills. At present, Assents are granted in the Chamber.

The Standing Committee reviewed the practice for giving Assent to Bills in other jurisdictions. In most provinces, Assents are granted in the Chamber, but occasionally, Assents are given in the office of the Lieutenant Governor.

The Standing Committee is of the view that in most cases, the current procedure for Assenting to Bills in the Chamber, in the view of the public, is the most appropriate. However, where circumstances require, the Committee agrees that it may be appropriate for Assent to be given outside of the House, with the Clerk reporting to the House that Assent has been given. While this procedure would not require a Rule change, the Committee desires to bring it to the attention of the Legislative Assembly for consideration.

### **Recommendation #3**

Therefore, this Committee recommends:

*that the procedure for Assenting to Bills in the Legislative Assembly Chamber continue as the usual practice of the Assembly, but that Assents be given elsewhere when circumstances dictate, and be then reported to the House.*

### **Election of Speaker and Executive Council**

The Standing Committee on Rules, Procedures and Privileges deliberated whether the procedure for the election of the Speaker and Executive Council by the *Territorial Leadership Committee*, as established in 1991, should be incorporated within the Rules of the Legislative Assembly.

The Standing Committee holds the opinion that it is not necessary to amend the Rules to incorporate the procedure developed by the *Territorial Leadership Committee* at present. The procedure is evolving, and the Committee does not recommend that the Assembly be bound to a specific process at this time. The Committee is also aware that the question of the appointment of Ministers of the Executive Council by the Government Leader has been raised by some Members. The Committee is of the opinion that this issue may receive further consideration, but not by this Committee.

## Emergency Debate

The Standing Committee on Rules, Procedures and Privileges considered the practice of other jurisdictions which allow the Orders of the Day to be stood down to allow an emergency debate on an urgent issue. The Committee felt that the development of such a practice within our Rules would be of value.

Currently, the Rules may be stood down for emergency debate upon unanimous consent. However, debate on an important issue may be blocked by one Member. The Committee is of the opinion that Rules should be developed to allow emergency debate upon one hour's notice to the Speaker. Debate as to whether the issue is an emergency could be allowed by the Speaker, and the decision as to whether emergency debate is appropriate would be the Speaker's.

Such a procedure would allow for full debate on an urgent issue, one that cannot adequately be dealt with by the Assembly within the usual House Rules and procedures. Although the question of what would constitute an emergency in certain circumstances would be subject to debate and the ruling of the Speaker, the Committee anticipates that the procedure would be used for an unexpected event of urgent public importance, rather than an emergency related to issues of political importance.



## **Recommendation #4**

Therefore, this Committee recommends:

*that the Rules be amended to include a procedure for Emergency Debate on matters of urgent public importance, upon one hour's notice being provided to the Speaker;*

*and further, that the Speaker shall rule on the question of whether debate shall be allowed.*

## **Order and Decorum**

During our survey of Members, the Standing Committee on Rules, Procedures and Privileges was requested to review the order and decorum within the Chamber. Two specific matters raised were the reading of newspapers within the Chamber, and whether the Committee might approve coffee within the Chamber during Committee of the Whole.

The Standing Committee is of the opinion that no Rule amendments are necessary to deal with order and decorum, as each Member may assess its importance on an individual basis. The Committee is also unable to agree with the suggestion that coffee be allowed within Committee of the Whole.

## **Official Languages**

The Standing Committee on Rules, Procedures and Privileges reviewed the Rules in light of the *Official Languages Act*. The *Official Languages Act* establishes eight official languages of the Northwest Territories.

The *Act* provides that everyone has the right to use any official language in the debates and other proceedings of the Legislative Assembly. Acts, records and journals of the Assembly must be printed and published in English and French, as well as other specified documents, orders and regulations.

The Standing Committee discussed whether requirements should be included within the Rules for the translation of documents or motions into specific Official Languages. For example, Rule 21 (2) requires that Ministers' Statements be filed with the Clerk, "complete with translation". The Rule does not specify the language or languages into which the document must be translated.

The Standing Committee was of the opinion that the procedures of the House in this respect should remain flexible. The Speaker has ruled that currently, House documents must be translated into Inuktitut, and the Committee is of the opinion that this addresses the issue sufficiently.

## **Tabled Documents**

Currently, the item "Tabling of Documents" appears on the Orders of the Day for the Legislative Assembly, but nothing in the Rules indicates what the item is, or whether a statement is allowed when a document is tabled. The Standing Committee on Rules, Procedures and Privileges is of the view that a simple Rule should be included to indicate that a Member may table a document under the appropriate item, and may make a brief factual statement identifying the document.

## **Recommendation #5**

Therefore, this Committee recommends:

*that the Rules be amended to include a Rule allowing the tabling of documents and allowing a brief statement to be given which identifies the document.*

### **Rules on Private Bills**

Currently, the Rules of the Legislative Assembly set out a procedure by which a private individual may bring legislation before the House, as a Private Bill. In addition, Ordinary Members of the Legislative Assembly may introduce Private Members' Public Bills, dealing with any matter except the expenditure of public funds or the imposition of a tax. Cabinet Ministers may introduce Public Bills for the administration of government, including the collection and allocation of public funds, and to set public policy.

The current section within the Rules dealing with Private Bills dates back to a provision adopted by Britain in the 1800's. Historically, this type of Rule evolved in England as a means for the establishment of private schools.

The Standing Committee on Rules, Procedures and Privileges recognizes that the Rules for Private Bills have only once been used in the Northwest Territories, by a trust company which had declared bankruptcy. In that case, the Bill was eventually taken over by the government.

The Standing Committee is of the opinion that it is not of assistance to include within the Rules a procedure for the introduction of legislation which bypasses the elected Members of the Assembly. In any event, support of the Members is necessary for passage of any legislation.

### **Recommendation #6**

Therefore, this Committee recommends:

*that the Rules establishing a procedure for the introduction of Private Bills by members of the public be deleted.*

### **Petitions**

During our comprehensive review of the Rules, it was brought to the attention of the Standing Committee on Rules, Procedures and Privileges that the current Rule dealing with Petitions is not clear. Our Rule 57 provides that a petition to the Legislative Assembly may be presented at any time during a sitting of the Assembly by filing it with the Clerk or by a Member presenting it from his or her place in the House.

However, it is not clear whether any member of the public may present a petition by filing it with the Clerk, or whether only a Member of the Legislative Assembly may present a petition by either method.

To date, this Rule has been interpreted to be consistent with usual parliamentary practice, so that petitions may be presented to the Legislative Assembly only through a Member. However, the Standing Committee is of the opinion that this Rule should be clarified.

The Standing Committee holds the view that it would be consistent with the principle of open government to adopt a Rule allowing members of the public to present a petition to the Legislative Assembly, by filing it with the Clerk. Such petitions should contain a minimum of twenty-five signatures, and should address a public matter. The question as to whether these conditions have been fulfilled would be subject to the ruling of the Speaker.

The Rules would continue to allow Members to present petitions as well, by filing the petition with the Clerk or by presenting it from his or her place in the House. The Standing Committee does not propose any change to the present procedure in this area.

### **Recommendation #7**

Therefore, this Committee recommends:

*that the Rules be amended to allow members of the public to present petitions to the Legislative Assembly by filing them with the Clerk, provided that such petitions contain a minimum of twenty-five signatures and address a public matter.*

### **Security**

It was suggested to the Standing Committee on Rules, Procedures and Privileges that consideration be given to a tightening of the Rules with respect to security and the objects that are allowed to be carried into the Chamber.

The Standing Committee discussed this issue, and is of the opinion that Rule changes are not necessary at this time. The Committee understands that the new building which will soon accommodate the Legislative Assembly may be better equipped to meet any concerns respecting security.

### **Cultural Issues**

Several suggestions were made to the Standing Committee on Rules, Procedures and Privileges with respect to the cultural relevance of proceedings of the Legislative Assembly. The Committee recognizes that the membership of the Legislative Assembly reflects the cultural diversity of the people that we represent. That is one of our strengths. Within this diversity there are also many areas of common ground.

The Standing Committee holds the view that it may be appropriate to amend the Rules to better reflect this cultural diversity. While many of the traditions of Parliament are valuable and respected, aboriginal values might be better reflected within our Rules.

The Standing Committee considered this issue in detail, but recognizes that further discussion is required among all Members of the Assembly before amendments are incorporated within the Rules. Therefore, the Committee is not prepared to make any specific recommendations on this issue at present. However, the Committee is willing to give further consideration to these issues, and would welcome any further suggestions by Members. At this time, we propose some specific subjects for further discussion.

Some Members of the Legislative Assembly expressed the view to the Standing Committee that the requirement to bow to the Mace should no longer be included within our Rules. The Committee recognizes that the symbol of the Mace reflects the right of people to govern themselves freely. As well, the Mace used by our Assembly uniquely incorporates many symbols of the history and culture of the people of the Northwest Territories, including copper from the central Arctic, whalebone carvings of northern wildlife and people, muskox horns, narwhal tusk, gold and porcupine quillwork.

The Standing Committee also recognizes that should the requirement to bow be removed, those who choose to continue to recognize the symbol of the Mace by bowing, may do so. The Mace could continue to function in its current role in House proceedings.

The Standing Committee is of the view that further consideration should be given to the means by which the Assembly acknowledges the authority of the Members to govern within the Chamber.

The Standing Committee also discussed options by which the proceedings of the Assembly might better reflect the traditions of aboriginal people. The Committee noted that the fire is symbolic for significant gatherings of people in aboriginal culture throughout the Northwest Territories. The Standing Committee is of the opinion that consideration should be given as to how the proceedings of the Assembly could embody this symbol.

Other symbols presently used in the Legislative Assembly were also raised for the Standing Committee's review, including the bells, and the dress of the Speaker and the Clerks. Consideration was given to the possibility of dress that would reflect aboriginal traditions. The Committee recognizes that the current dress of the Clerks holds some symbolism, as does the Mace, and is mindful that this Assembly represents all groups who make the Northwest Territories their home. It is also important that there be a distinction within the Chamber between the elected Members and the Clerks who serve and advise the House, and a difference in dress is appropriate.

It was also suggested to the Standing Committee that drums, in alternating styles, might be used instead of the bells to call Members to the House. The Committee is of the view that this option is also worthy of further consideration.

The Standing Committee recognizes that Rule changes are not necessary in order to make alterations to the decor of the Assembly, or the dress of House Officers. As these matters fall within the legal responsibility of the Management and Services Board pursuant to section 37(1) of the *Legislative Assembly and Executive Council Act*, they might properly be given further consideration by the Board.

### **Gender Bias, Grammatical Inconsistencies and Simplification of the Rules**

The Standing Committee on Rules, Procedures and Privileges included a focus on eliminating grammatical inconsistencies and gender bias during its comprehensive review of the Rules. The Committee is also of the view that the Rules should be examined with the objective of using simple and direct language.

The Standing Committee feels that the Rules of the Assembly should not be drafted as if they were legislation, but should be in plain language, so that they may be readily understandable by Members and by the public. Plain language would also make translation of the Rules considerably easier. The Standing Committee has been reviewing the Rules with these objectives in mind.



The Standing Committee is of the view that a redrafting of the Rules, to be presented to the Assembly for approval in the form of a new Rulebook, is the most appropriate means of accomplishing these goals. The new Rulebook could be presented to the Assembly during this session, and would include revisions to correct grammatical inconsistencies and gender bias, and to simplify the language and sentence structure of the Rules. The new Rulebook would also include the amendments recommended within this report that have been approved by the Assembly.

### **Recommendation #8**

Therefore, this Committee recommends:

*that a new Rulebook be drafted and presented to the Assembly for approval prior to the conclusion of the Third Session,*

*and further, that the Rulebook incorporate the amendments approved by the Assembly from this report,*

*and further, that the Rulebook incorporate revisions to correct grammatical inconsistencies and gender bias within the Rules,*

*and further, that the Rulebook incorporate revisions to simplify the Rules.*