

13th Assembly

Standing Committee on Rules and Procedures

**Seamus Henry, M.L.A.
Chairman**

October 16, 1997

THE HONOURABLE SAM GARGAN, M.L.A.
SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Rules and Procedures has the honour of presenting its Report and commends it to the House.



Seamus Henry, M.L.A.
Chairman

STANDING COMMITTEE ON RULES AND PROCEDURES

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M.L.A., Yellowknife South
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David Krutko
M.L.A., Mackenzie Delta

Vince Steen
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Committee Staff

Dave Inch
Committee Clerk

INTRODUCTION

During the latter part of January and early February 1997 the Speaker of the Legislative Assembly, the Honourable Sam Gargan, referred a total of four items to the Standing Committee on Rules and Procedures. The Committee was to discuss the amount of time allotted for both Members' Statements and Oral Question Period, as proposed by the Member for Iqaluit; the reporting procedures for ad hoc and/or joint working groups, as requested by the Chairperson of the Ordinary Members' Caucus; and issues of order and decorum in the Legislative Assembly, as directed by the Speaker.

The Standing Committee met on February 6, 1997 to address these issues, and finalized its report on October 10, 1997.

ISSUES

Members' Statements

The question before the Committee on this particular issue was whether or not the existing two and a half minute time limit on Members' Statements should be increased to three and a half minutes.

While reviewing the issue, Committee Members noted that the existing time limit was the most generous of any Legislature in the country. Members also noted that most other jurisdictions in Canada "capped" the total amount of time spent on this item each day, but that the NWT Legislative Assembly had no such restriction. In addition to this, the Committee recognizes that on any given day, a Member can ask for unanimous consent to have the two and a half minute time limit extended for his or her statement.

Therefore, the Standing Committee on Rules and Procedures unanimously recommends:

That the maximum time allotted for a Member's Statement remain unchanged at two and a half minutes.

Oral Question Period

The Standing Committee was asked to review the current sixty minute time allotment for Oral Question Period and determine if there was a need to increase the limit to ninety minutes.

While reviewing this issue, Committee Members once again noted that the NWT Legislative Assembly has one of the longest Oral Question Periods in the country and identified that, just as with Members' Statements, any Member could request unanimous consent to extend Question Period beyond the sixty minutes allotted.

However, Committee Members did outline their frustration with the fact that in some cases, much of this sixty minutes is taken up by both lengthy preambles to

questions and long drawn out answers. The Committee felt that Oral Question Period could be improved by encouraging the Speaker to play a more active role in ensuring that both questions and answers are succinct and to the point.

The Standing Committee on Rules and Procedures unanimously recommends:

That the current sixty minute time allotment for Oral Question Period not be extended;

and further:

That the Committee supports the Speaker's strict application of the Guidelines for Oral Questions and the Rules of the Legislative Assembly.

Ad Hoc and Joint Working Group Reporting Process

In recent months, Members of the Legislative Assembly have found it useful to establish Ad Hoc and/or Joint Working Groups to deal with specific issues that arise. However, the more open style of government, the new Standing Committee structure of the 13th Assembly, and recent experiences with joint Minister and Member Working Groups have raised questions regarding who these groups report to, and where their authority is derived from.

Joint Committees:

The Standing Committee on Rules and Procedures noted that Committees made up of both Ministers and Ordinary Members should be used only under particular circumstances. In order to eliminate confusion respecting authority and reporting requirements, the Committee felt that these Special Joint Committees should only be established as provided for under Rule 88(1) of the Legislative Assembly, which states: "At any time, the Assembly may appoint a Special Committee for any purpose or to consider any matter referred to it by the Assembly."

The Committee recognizes that motions to establish Special Committees include the terms of reference for that Committee and as their authority is derived from the House, they report to the House.

Therefore, the Standing Committee on Rules and Procedures recommends:

That Joint Committees only be established under section 88(1) of the Rules of the Legislative Assembly and having been so established, such Committees shall report directly to the Legislative Assembly.

Ad Hoc and Sub-Committees and Working Groups:

The Committee notes that the authority to establish a Sub-Committee or Working Group must be derived from an appropriate legislative body in order to maintain accountability and provide a means of reporting the group's findings. Therefore,

the Standing Committee on Rules and Procedures recommends the following as the most appropriate process:

Ad Hoc Committees, Working Groups and Sub-Committees are struck by a Standing Committee to address specific issues;

Subordinate body meets and develops its report to the Standing Committee from which its authority is derived;

The Standing Committee, at its pleasure, reviews and/or revises and adopts the report as deemed appropriate; and

Under the authority vested in the Standing Committee as a body of the Legislature, the Committee may present the report to the House.

Order and Decorum (Members' Attire)

This issue, referred by the Speaker, arose as a result of an incident in the House whereby a Member felt that the attire of another Member was offensive. The Standing Committee reviewed this section of the *Rules of the Legislative Assembly* prior to recommending a mechanism to help deal with such situations.

Rule 12(9) states: "When in the Legislative Assembly every Member shall be attired in native dress or in a manner appropriate to the dignity of the Assembly."

During the discussions, Members soon discovered that to define "native dress" or "in a manner appropriate" would be almost impossible and instead suggested that the issue of "appropriate attire" be left to the prudent discretion of the Speaker. The Committee therefore recommended that the following process be established:

If a Member is offended by the attire of another Member, he or she may bring the issue to the attention of the Speaker in writing, outlining the nature of the concern and requesting the Speaker's intervention.

If, in the Speaker's opinion, an intervention is warranted, the Speaker would bring the matter to the Member's attention in writing and require that the Member retire from the Chamber and remove/replace the offending attire.

Committee Members feel that this would not only alleviate concerns with respect to what is and what is not, "native dress" or "appropriate attire", but will also preserve the Speaker's latitude in determining appropriate attire in accordance with tradition, custom and convention. Furthermore, the Committee feels that this approach would preclude public debate on such issues and avoid embarrassing any particular Member.

