

**REPORT FROM THE CLERK OF THE  
YUKON LEGISLATIVE ASSEMBLY  
ON THE ABSENCE OF MEMBERS  
FROM SITTINGS OF THE LEGISLATIVE ASSEMBLY  
AND ITS COMMITTEES**

Date: October 3, 2017

## **INTRODUCTION**

Subsections 39(5) and 39(6) of the *Legislative Assembly Act*, R.S.Y. 2002, c.136 state:

- 39(5) From the indemnity payable to a member under this section a deduction of \$100 shall be made
- (a) for each day the member is absent from a sitting of the Legislative Assembly;
  - (b) for each day the member is absent from a sitting of a committee of which they are a member, if the absence is not excused by the rules of the committee providing for another member of the Legislative Assembly to take the place of the absent committee member; and
  - (c) for each day the member is named and suspended from the service of the Legislative Assembly.
- (6) No deduction shall be made under subsection [5] in respect of any absence resulting from
- (a) the sickness of the member;
  - (b) a sickness or death in the immediate family of the member;
  - (c) any cause beyond the reasonable control of the member as determined by the Speaker; or
  - (d) the attendance of the member at any meeting or event as a member of the Executive Council, as a representative of the Government of the Yukon or as a representative of the Legislative Assembly.

The Members' Services Board establishes the administrative procedures followed in implementing this legislation. On November 10, 1981 the Board provided the following direction:

- (1) Each M.L.A. is responsible for declaring his absence from a sitting of the Assembly or of a committee. This is to be done by filing a statement with the Clerk outlining the sitting missed and requesting the required deduction from the member's indemnity.
- (2) The Clerk is to prepare a report to be tabled by the Speaker describing the occasions on which deductions have been made from members' indemnities. This report will normally be tabled near the beginning of a sitting of the Assembly.
- (3) Proper notice should be given of committee meetings to protect members from missing meetings which are called on the spur of the moment and for which a member would thereby be liable to lose pay. The Board urges that forty-eight hours' notice of committee meetings be given when the House is in session and two weeks' notice be given when the House is not in session or is in a period of lengthy adjournment.

The Board reviewed these procedures on June 13, 1995 and the following is an extract from the Minutes of that meeting:

It was noted that there have been occasions on which Members have been absent from sittings of the Assembly and no request has been made for a deduction to be made from their MLA indemnity pursuant to section 39 of the *Legislative Assembly Act*. Discussion then took place on the interpretation which can be placed on the

wording of the law in respect to those situations in which a Member can be absent without claiming a deduction from the indemnity.

AGREED, THAT the Clerk develop, for consideration by the Board, a form which could be used by Members of the Legislative Assembly to declare their absence from sittings of the Assembly and to:

- (a) request that a deduction of \$100 be made from their indemnity for each day of absence, or
- (b) provide reasons for their absence when they are not requesting a deduction from their MLA indemnity.

FURTHER AGREED, THAT such forms would be submitted to the Clerk and that the Clerk would include them in reports to the Legislative Assembly on the absence of Members and deductions from Members' indemnities.

The Board at its meeting of November 9, 1995 approved forms for declaring absence from sittings of the Assembly and of sittings of committees of the Assembly.

The absence of Members from sittings of the Assembly and its committees was brought to the attention of the Board at its meeting of January 15, 2010. At issue were inconsistencies in the way in which Members completed the declaration forms. The Board

AGREED, THAT if a member requests no deduction and the reason given does not fall within the list of acceptable absences pursuant to section 39 [5] and [6] of the *Legislative Assembly Act*, then the Director, Administration, Finance & Systems will request that the Speaker of the Yukon Legislative Assembly determine if the reason for being absent falls within the exceptions identified in subsection [6].

At its meeting on July 25, 2017 the Board was again advised that there are inconsistencies in the manner in which when MLAs are completing their declarations respecting absence from a sitting or committee meeting of the Yukon Legislative Assembly. The Board

AGREED on motion of Brad Cathers, seconded by Hon. Tracy-Anne McPhee, THAT the Director, Administration, Finance & Systems advise all MLAs that they must adhere to section 39 of the *Legislative Assembly Act*.

FURTHER AGREED, THAT the absence form will be amended to include only the acceptable reasons for no deductions; THAT the Director, Administration, Finance & Systems (Director) will advise all MLAs that if the reason for their absence from a sitting or committee meeting of the Yukon Legislative Assembly does not comply with one of the four acceptable reasons identified on the form that \$100.00 will be deducted from their indemnities; and THAT the Director will notify MLAs that attending a constituency event, funeral for a constituent, caucus event, etc. does not fall under the category of attending an event "as a representative of the Legislative Assembly" and therefore does not constitute an acceptable reason for absence.

**Note:** The report of April 20, 2017 noted that a deduction had been made regarding the absence of Sandy Silver from a Members' Services Board meeting on April 5, 2017. After further review of the circumstances of Mr. Silver's absence from the meeting the deduction was reversed.

## **REPORT**

For the period from April 20, 2017 to October 2, 2017, fourteen statements were submitted to the Clerk respecting absence from a sitting of the 34<sup>th</sup> Legislative Assembly. In 10 of these statements a reason was provided for the absence of the member and no deduction was made from the member's indemnity. In four of these statements a request was made for a deduction to be made from a member's pay due to the absence of the member from a sitting of the House. The member's name, the dates absent and, where applicable, the reasons provided for each absence are as follows:

### **Declaration of absence and deduction requested**

<b><u>Member</u></b>	<b><u>Date(s) Absent</u></b>
(1) Kate White	April 24 and 25, 2017
(2) Liz Hanson	May 4, 2017
(3) Kate White	May 9, 2017
(4) Liz Hanson	June 12, 2017

### **Declaration of absence and reason provided**

<b><u>Member</u></b>	<b><u>Date(s) Absent</u></b>	<b><u>Reason Given For Absence</u></b>
(1) Jeanie Dendys	May 15, 2017	"due to illness"
(2) Ted Adel	May 15, 2017	"Family member ill"
(3) Stacey Hassard	May 18, 2017	"Attend the funeral of the Late Joe Jackson."
(4) Wade Istchenko	June 1, 2017	"Required Speaking Engagement as MLA to the Graduating Class of St. Elias Community School 2017"
(5) Paolo Gallina	June 1, 2017	"Family matter (out of territory)"
(6) Stacey Hassard	June 7, 2017	"In Teslin at the request of the Teslin Tlingit Council to participate in TTC Land Lottery as well as attend the Yukon RRC AGW."
(7) Donald Hutton	June 7, 2017	"Attend funeral in Mayo"
(8) Pauline Frost	June 12, 2017	"In meetings with federal, provincial and territorial counterparts."
(9) Paolo Gallina	June 12, 2017	"Out-of-territory funeral"
(10) Wade Istchenko	June 12, 2017	"I am attending the Beaver Creek School Awards and BBQ. I need to be there by 5 pm."

For the period from April 20, 2017 to October 2, 2017, three statements were submitted to the Clerk respecting an absence from a sitting of a committee of the 34<sup>th</sup> Legislative Assembly. In two instances the absent member requested that a deduction to be made from the member's pay due to the absence of the member. In one instance the absent member provided a reason for the absence of the member. The member's name, committee name, and the date absent are as follows:

**Declaration of absence and deduction requested**

<b><u>Member</u></b>	<b><u>Committee and Date Absent</u></b>
(1) Liz Hanson	Standing Committee on Public Accounts - June 14, 2017
(2) Don Hutton	Standing Committee on Public Accounts – June 19, 2017

**Declaration of absence and reason provided**

<b><u>Member</u></b>	<b><u>Committee and Date Absent</u></b>
(2) Don Hutton	Standing Committee on Public Accounts – June 14, 2017 "Illness"

Floyd McCormick, Clerk  
Yukon Legislative Assembly