

YUULU?IL?ATH GOVERNMENT

**LEGISLATURE RULES OF ORDER
AND PROCEDURE ACT**

YFNS 3/2011



OFFICIAL CONSOLIDATION – CURRENT TO MAY 10, 2023

This is a certified true copy of the consolidated Legislature Rules of Order and Procedure Act, YFNS 3/2011, current to May 10, 2023

Date: May 4, 2023

Signed: *Hamilton*
Law Clerk

**YUULU?IL?ATH GOVERNMENT
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PREAMBLE

Yuulu?il?ath values the need to respect, protect and promote our heritage, culture and traditional ways which form the basis of our success and our destiny while understanding that these practices may change and require contemporary expression. As a self-governing treaty first nation, we accept the rule of law within the culture and traditions of Yuulu?il?ath.

As the body given all legislative powers assumed through the Constitution, the Legislature will protect the rights of its members to join together to accomplish the common goals of Yuulu?il?ath and to enable the members of the Legislature to debate and take action in a fair manner with the least amount of controversy or acrimony possible.

These rules of order and procedure are based on and are intended to protect and further the following values and goals:

- (a) the desire, as much as possible, to render decisions by consensus on questions put to the Legislature;
- (b) the rights of individual members of the Legislature to participate in the decision making on questions put to the Legislature and any other matter considered by the Legislature;
- (c) the right of the minority view on questions put to the Legislature to be respectfully expressed and respectfully heard;
- (d) the right of the majority of the Legislature to be the decision makers on questions put to the Legislature; and
- (e) the rights of individual members of the Legislature who may be absent to remain informed about and participate in the proceedings of the Legislature.

To this end, these rules of order and procedure are enacted, to protect the rights of the minority to be heard while ensuring the will of the majority prevails. These rules of order and procedure are to be used to assist in ensuring these goals are attained and must not to be used to hinder decision making by the Legislature.

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PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Legislature Rules of Order and Procedure Act.

Executive oversight

1.2 The chairperson is responsible for the oversight of this Act.

Application

- 1.3 (a) This Act applies to
- (i) proceedings of the Legislature,
 - (ii) the duties and powers of the President as the representative of the Legislature,
 - (iii) the duties and powers of the chairperson,
 - (iv) the conduct of members of the Legislature during meetings of the Legislature, and
 - (v) how members of the Legislature conduct themselves as members of the Legislature outside of meetings of the Legislature.
- (b) In the event of any inconsistency or conflict between this Act and the Government Act, the Government Act prevails to the extent of the inconsistency or conflict.

Definitions

1.4 In this Act

“chairperson” means the individual chosen under section 2.1(c)(ii) of the Government Act in accordance with section 2.9 of the Constitution;

“committee of the Legislature” means a standing committee or a special committee;

“consideration” means to discuss or debate a question moved in accordance with this Act;

“debate” means to speak to the question or motion on the floor;

“decision” and “decided” means the approval or rejection of a question put to a vote of the members of the Legislature;

“incidental motion” means a motion referred to in Part 10;

“main motion” means a motion referred to in section 8.1;

“on the floor” means a question or motion moved by a member of the Legislature, stated by the chairperson, seconded by another member of the Legislature, if required, and not yet decided in accordance with this Act, tabled under section 9.5, postponed to a specific time under section 9.8, referred to a committee of the Legislature under section 9.9 or postponed indefinitely under section 9.11;

“parliamentary procedure” means, subject to this Act, generally accepted rules of parliamentary procedure in Canada;

“pending”, “pending question” or “pending motion” means the question or motion on the floor that was stated last and is currently under consideration by the members of the Legislature and not yet decided;

“privileged motion” means a motion or question of privilege referred to in Part 11;

“reconsider” means to reconsider a decision in accordance with Part 12;

“special committee” has the meaning given to that term in the Committee Act;

“standing committee” has the meaning given to that term in the Committee Act;

“subsidiary motion” means a motion referred to in Part 9.

PART 2 - GENERAL RULES

Equality of all members of the Legislature

- 2.1** (a) Subject to this Act, all members of the Legislature are equal and their rights are equal.
- (b) Each member of the Legislature has the right to
- (i) attend meetings,
 - (ii) make motions and speak in debate of motions,
 - (iii) make nominations,
 - (iv) vote on motions, and
 - (v) to hold executive portfolios.

Majority rule

- 2.2** (a) This section is subject to any provision of this Act or another Act that requires a two-thirds or higher majority of the members of the Legislature present and voting to vote in favour of a motion for that motion to be approved and, in those circumstances, the use of the term “majority” in this section is deemed to mean that two-thirds or higher majority in those circumstances.
- (b) A decision reached by a majority of the members of the Legislature present and voting is final, unless that motion is rescinded or amended in accordance with this Act.
- (c) The minority view has the right to be respectfully expressed and respectfully heard, but once a decision has been reached by a majority of the members of the Legislature present and voting, the minority view must respect and abide by the majority decision.

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PART 3 - DUTIES AND POWERS OF THE CHAIRPERSON

General

- 3.1** (a) The chairperson's primary role is to act as the presiding member of the Legislature at meetings of the Legislature and to manage the affairs of the Legislature.
- (b) The chairperson works closely with the law clerk as required, including ensuring the Legislature is organized properly, functions effectively, performs its duties properly and exercises its powers appropriately.
- (c) The chairperson must ensure the law clerk is aware of any concerns of the members of the Legislature, and that those concerns are addressed appropriately.

Overseeing affairs of the Legislature

- 3.2** In addition to the duties set out in section 3.1, the chairperson has the responsibility to
- (a) ensure members of the Legislature are aware of their duties to Yuulu?il?ath citizens and stakeholders in their capacity as members of the Legislature,
- (b) build consensus and develop teamwork within the Legislature, and
- (c) in collaboration with the law clerk, ensure information reasonably requested by members of the Legislature or committees of the Legislature is provided in a timely manner and meets their needs.

General duties at meetings of the Legislature

- 3.3** (a) The chairperson has the responsibility to
- (i) confirm the readiness of the Legislature chamber and, if a quorum is present, to begin the meeting of the Legislature promptly at the scheduled time, and
- (ii) serve as the presiding officer at meetings of the Legislature and ensure that the appropriate issues are addressed.
- (b) The chairperson must be familiar with this Act and Yuulu?il?ath laws, parliamentary procedure and other rules and customs relating to the conduct of meetings of the Legislature.
- (c) The chairperson must explain, as best as reasonably possible in the circumstances, this Act when requested to do so by a member of the Legislature.

- (d) The chairperson must ensure that motions moved by members of the Legislature are clear and not confusing.

Meeting agenda

- 3.4 (a) The chairperson must ensure
- (i) a proper agenda is adopted and followed during meetings of the Legislature, and
 - (ii) the co-ordination of the agenda with invited guests or speakers, any information packages that may be required or related materials necessary for members of the Legislature to have in order for the agenda to be followed.
- (b) The chairperson may include in the agenda for the Legislature the following topics which may be in the following order:
- (i) call to order and determination of quorum;
 - (ii) opening ceremonies;
 - (iii) welcoming remarks;
 - (iv) opening prayer to the Creator;
 - (v) minutes of the previous meeting of the Legislature;
 - (vi) report of the Executive Committee;
 - (vii) report of the director of operations;
 - (viii) report of the chief financial officer;
 - (ix) reports of other directors;
 - (x) reports of committees of the Legislature;
 - (xi) [Repealed]
 - (xii) unfinished business tabled at the last meeting of the Legislature;
 - (xiii) new business;
 - (xiv) announcements; and
 - (xv) adjournment.

Conducting meetings of the Legislature

- 3.5**
- (a) The chairperson must maintain order during meetings of the Legislature and enforce this Act and other parliamentary procedures with impartiality.
 - (b) The chairperson must assign the floor to a member of the Legislature by recognizing a member of the Legislature who wishes to speak by name and indicating they have the floor.
 - (c) Subject to this Act only the member of the Legislature recognized by the chairperson as having the floor may speak and no member of the Legislature may interrupt a member of the Legislature that has been granted the right to speak by the chairperson.
 - (d) The chairperson must rule out of order
 - (i) any motion which does not directly relate to the pending motion,
 - (ii) all remarks of a personal nature concerning a member of the Legislature, including remarks concerning a member of the Legislature’s motives or personality,
 - (iii) any members of the Legislature engaged in private discussion or who are otherwise disruptive while another member of the Legislature has the floor and is speaking, and
 - (iv) any motion by a member of the Legislature which, in the reasonable opinion of the chairperson, is a misuse by the member of the Legislature of procedure to deliberately delay or prevent the Legislature from considering a pending question.

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PART 4 - DUTIES AND POWERS OF THE PRESIDENT

General

- 4.1 (a) The President serves as the primary spokesperson for the Legislature and for the Yuulu?il?ath First Nation.
- (b) [Repealed]
- (c) The President must ensure major initiatives of the Yuulu?il?ath First Nation have proper and timely understanding, consideration, oversight and approval.

As a member of the Legislature

- 4.2 In addition to the duties set out in section 4.1, the President has the responsibility to
- (a) recommend to the Legislature for its consideration and approval the establishment or dissolution of committees of the Legislature as may be necessary or advisable, and
- (b) ensure the Legislature receives adequate and regular updates from the Executive on all issues important to the welfare and future of the Yuulu?il?ath First Nation.

Relations with Yuulu?il?ath citizens and stakeholders

- 4.3 The President has the responsibility to
- (a) act as the principal interface between the Legislature and Yuulu?il?ath citizens, and
- (b) ensure the Legislature is appropriately represented at meetings of the hitacu assembly and at official functions of the Yuulu?il?ath First Nation.

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PART 5 - LEGISLATURE DUTIES AND POWERS GENERAL

- 5.1** (a) The Legislature has primary responsibility to advance the Yuulu?il?ath First Nation's short and long-term success consistent with the Legislature's responsibility to Yuulu?il?ath citizens, giving consideration to the legitimate interests held by stakeholders, including Yuulu?il?ath public employees, individuals ordinarily resident on Yuulu?il?ath lands, other levels of government, business partners of the Yuulu?il?ath First Nation and the public.
- (b) Members of the Legislature are stewards of the Yuulu?il?ath First Nation and the Legislature has the duty to oversee the conduct of the Yuulu?il?ath First Nation's affairs and to oversee the Executive.

Delegation of duties and powers

- 5.2** (a) The Legislature may, by an Act, operate by delegating to the Executive certain of its duties and powers, including spending authorizations.
- (b) As provided for in section 2.33 of the Constitution, certain of the Legislature's duties and powers may, by motion, be delegated to committees of the Legislature in accordance with the Committee Act.

Retained duties and powers

- 5.3** The Legislature retains the responsibility for managing its own affairs including the responsibility to
- (a) appoint the chairperson,
- (b) appoint the law clerk,
- (c) appoint members of the Legislature to hold executive portfolios,
- (d) annually review the skills and experience represented on the Executive in light of the Yuulu?il?ath First Nation's strategic direction, for the purpose of establishing the criteria and reviewing potential candidates who meet the criteria when appointing members of the Legislature to the Executive,
- (e) [Repealed]
- (f) implement an appropriate process for assessing the effectiveness of the Executive, the President, committees of the Legislature and Yuulu?il?ath directors in performing their duties and exercise their powers, and
- (g) oversee the Yuulu?il?ath First Nation's governance practices and ensure they meet the needs of the Yuulu?il?ath First Nation.

Citizen and stakeholder communications

- 5.4** (a) The Legislature operates for the benefit of Yuulu?i?ath citizens within a public environment and members of the Legislature must ensure communications with Yuulu?i?ath citizens and the public is effective and appropriate.
- (b) The Legislature has the responsibility to
- (i) ensure a communication plan is developed and in place in order for the Legislature and its members of the Legislature to communicate effectively with Yuulu?i?ath citizens and the public,
 - (ii) ensure the financial performance of the Yuulu?i?ath First Nation is adequately and promptly reported to Yuulu?i?ath citizens,
 - (iii) ensure financial results of the Yuulu?i?ath First Nation are reported fairly and in accordance with Yuulu?i?ath law and generally accepted accounting principles,
 - (iv) ensure timely reporting of any developments that have a material and significant effect on the Yuulu?i?ath First Nation, and
 - (v) report annually to the hitacu assembly on the Legislature’s stewardship for the preceding year.

Mission and plans

- 5.5** The Legislature has the responsibility to
- (a) participate with Yuulu?i?ath citizens in the development of, and ultimately approve, a Yuulu?i?ath First Nation mission and values statement,
 - (b) direct the Executive to develop, implement and maintain a reporting system that accurately measures the Yuulu?i?ath First Nation’s performance against its annual budget and multi-year financial plan,
 - (c) monitor the Yuulu?i?ath First Nation’s progress towards the approved strategic objective and performance against the annual budget and multi-year financial plan and to alter its direction in light of changing circumstances, and
 - (d) review and approve amendments to the annual budget and multi-year financial plan.

General duties and powers

- 5.6** The Legislature acts collectively and exercises its powers and performs its duties as a group and individual members of the Legislature have no power to act on their own, to

bind the Yuulu?i?ath First Nation or speak on its behalf, except as specifically authorized by Yuulu?i?ath law.

Demonstrated understanding

5.7 As a member of the Legislature, each member of the Legislature must

- (a) demonstrate an understanding of the duties and powers of a member of the Legislature and the governance structure of the Yuulu?i?ath First Nation,
- (b) understand the difference between governing and managing and not encroach on the Yuulu?i?ath administration's area of responsibility,
- (c) demonstrate an understanding of the Yuulu?i?ath First Nation's strategic direction,
- (d) contribute and add value to discussions regarding the Yuulu?i?ath First Nation's strategic direction, and
- (e) participate in monitoring and evaluating the success of the Yuulu?i?ath First Nation in achieving established goals and objectives.

Organizational knowledge

5.8 In order that decisions of the Legislature are only made by well-informed members of the Legislature, each member of the Legislature must

- (a) become generally knowledgeable about the Yuulu?i?ath First Nation, its mission and values statement, annual budget and multi-year financial plan,
- (b) in consultation with and upon approval by the President, attend conferences and any other relevant forums that will assist the member of the Legislature in developing skills to better equip them to perform their duties and exercise their powers as a member of the Legislature,
- (c) participate in orientation and development programs developed by the Yuulu?i?ath administration from time to time,
- (d) maintain an understanding of the regulatory, legislative, social and political environments within which the Yuulu?i?ath First Nation exists,
- (e) become acquainted with the Yuulu?i?ath First Nation's administrative structure and personnel, and
- (f) be an effective ambassador and representative of the Legislature, while recognizing that the President is the only public spokesperson for the Legislature and the Yuulu?i?ath First Nation.

Communication and interaction

- 5.9** As a member of the Legislature, each member of the Legislature must
- (a) demonstrate good judgment,
 - (b) interact appropriately with other members of the Legislature and the Yuulu?il?ath administration,
 - (c) participate fully and frankly in the deliberations and discussions of the Legislature,
 - (d) be a positive and constructive force in the Legislature,
 - (e) demonstrate openness to others' opinions and a willingness to listen,
 - (f) have the confidence and will to make difficult decisions, including the strength to challenge the majority view,
 - (g) maintain collaborative and congenial relationships with other members of the Legislature, and
 - (h) advise the chairperson in advance when introducing significant or previously unknown information or material at a meeting of the Legislature.

Skillful participation

- 5.10**
- (a) Subject to subsection (b), a member of the Legislature must exercise the degree of care, diligence and skill that a reasonably prudent individual would exercise in similar circumstances.
 - (b) The standard of care expected of a member of the Legislature depends upon the particular qualities or characteristics that the individual brings to the Legislature relative to the particular matters under consideration.
 - (c) A member of the Legislature must be proactive in the performance of his or her duties and the exercise of his or her powers by
 - (i) attending meetings of the Legislature and meetings of committees of the Legislature to which they have been appointed and a member of the Legislature who has not attended meetings must show diligence by examination of reports, discussions with other members of the Legislature and otherwise be sufficiently familiar with the Legislature's or committee of the Legislature's activities so that he or she does not suffer as a result of non-attendance,

- (ii) participating in a meaningful way by asking questions and seeking adequate responses, and
- (iii) being vigilant to ensure the affairs of the Yuulu?il?ath First Nation are being properly administered and are in compliance with laws governing the Yuulu?il?ath First Nation.

Preparation, attendance and availability

5.11 As a member of the Legislature, each member of the Legislature must

- (a) prepare for meetings of the Legislature and meetings of committees of the Legislature to which he or she has been appointed by reading reports and background materials distributed in advance,
- (b) make a reasonable effort to attend all meetings of the Legislature and meetings of committees of the Legislature to which he or she has been appointed,
- (c) organize himself or herself so as to be able to attend entire meetings of the Legislature or meetings of any committees of the Legislature to which he or she has been appointed, not just portions of such meetings, and
- (d) participate in meetings of the Legislature and meetings of committees of the Legislature to which he or she has been appointed and contribute to their purpose.

Guests at meetings of the Legislature

- 5.12**
- (a) The Legislature recognizes the value of having individuals who are not members of the Legislature attend meetings of the Legislature to provide information and opinions to assist the members of the Legislature in their deliberations.
 - (b) For issues to be discussed by the Legislature that fall within the terms of reference of a committee of the Legislature, the chairperson of that committee may recommend to the chairperson those individuals who are not members of the Legislature the chairperson of the committee of the Legislature would like to attend a meeting of the Legislature.
 - (c) The chairperson will determine those individuals who are not members of the Legislature that may attend meetings of the Legislature.
 - (d) No individual who is not a member of the Legislature may attend or table material at a meeting of the Legislature without prior approval of the chairperson.

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PART 6 - MINUTES

Preparation of minutes

- 6.1** (a) The law clerk is responsible for taking and preparing the minutes of the meetings of the Legislature.
- (b) The law clerk must record
- (i) the names of all members of the Legislature in attendance at the meeting,
 - (ii) the names of all individuals reporting to the Legislature, including Yuulu?il?ath directors and chairpersons of committees of the Legislature,
 - (iii) the names of all individuals who are not members of the Legislature permitted by the chairperson to attend the meeting of the Legislature,
 - (iv) the name of the member of the Legislature who was first to move the motion and, if required by this Act, the name of the member of the Legislature who seconded the motion,
 - (v) every approved and rejected motion, and
 - (vi) the number of votes to approve and the number of votes to reject every motion.
- (c) The law clerk need not record
- (i) the discussion on a motion or personal opinion of a member of the Legislature,
 - (ii) motions withdrawn in accordance with this Act, or
 - (iii) the content of reports given to the Legislature.

Endorsement of minutes

- 6.2** (a) The law clerk must sign the minutes of meetings of the Legislature once the minutes have been approved by the Legislature.
- (b) The law clerk must record on the approved minutes the date of that approval by the Legislature.

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PART 7 - GENERAL RULES CONCERNING MOTIONS

Question or matter must be moved

- 7.1 Subject to section 7.2, no question or matter may be considered by the Legislature without first being moved and, when required by this Act, seconded by another member of the Legislature.

Business of a routine nature

- 7.2 (a) Where business requiring consideration or approval of the Legislature is of a routine nature or it is clear to the chairperson that a consensus of all members of the Legislature exists on the business at hand, subject to subsection (b), the chairperson may waive the requirement for a formal motion on that business by asking the members of the Legislature if there is any objection to the business being approved.
- (b) If a member of the Legislature raises an objection under subsection (a), the chairperson must require the formal procedures set out in Part 7 through Part 13 be followed by the members of the Legislature for that business.

One question at a time

- 7.3 The chairperson must rule out of order any motion that does not directly relate to the pending question or is otherwise permitted under this Act.

Introducing and speaking to a motion

- 7.4 (a) Subject to this Act, a member of the Legislature
- (i) must request the chairperson to recognize him or her as having the floor in order to introduce or speak to a motion, and
 - (ii) must not interrupt another member of the Legislature recognized by the chairperson as having the floor in order to introduce or speak to a motion.
- (b) The chairperson may require a long motion to be submitted in writing.
- (c) The chairperson must state a motion moved by a member of the Legislature before
- (i) seeking another member of the Legislature to second the motion, if required by this Act, or
 - (ii) allowing the member of the Legislature who moved the motion to speak to the motion.

- (d) A member of the Legislature may modify his or her own motion before it is stated by the chairperson.
- (e) The member of the Legislature who moved a motion may offer an amendment to that motion after it has been stated by the chairperson but before the motion has been seconded by another member of the Legislature.
- (f) A member of the Legislature may withdraw his or her motion
 - (i) before it has been stated by the chairperson, or
 - (ii) after it has been stated by the chairperson in accordance with section 10.12.
- (g) The chairperson must open the floor for debate by the members of the Legislature present all debateable motions immediately upon
 - (i) the motion being seconded, if required by this Act, or
 - (ii) stating the motion, if that motion is not required to be seconded by this Act.
- (h) The maker of a motion has the first right to speak to the motion.
- (i) The maker of a motion may only speak in favour of his or her own motion.
- (j) When a main motion is on the floor, a member of the Legislature must only speak to the pending motion, unless otherwise provided for in this Act.

Debatable motions must receive full debate

- 7.5** (a) Subject to subsection (b), the chairperson must not put a debatable motion to a vote as long as a member of the Legislature wishes to debate that motion.
- (b) Debate may only be suspended by the chairperson with the approval of two-thirds of the members of the Legislature present in accordance with section 9.6.

Restating the motion prior to being decided

- 7.6** The chairperson must restate the pending motion to the members of the Legislature immediately prior to calling a vote of the members of the Legislature on the pending motion.

Decided motions

- 7.7** Subject to Part 12, the chairperson must declare out of order any motion on a question already decided or a question substantially the same as a question already decided.

PART 8 - MAIN MOTIONS

Main motions described

- 8.1** (a) A main motion is any motion which introduces business for the Legislature to do any of the following:
- (i) enact, amend or repeal Yuulu?il?ath legislation;
 - (ii) approve or amend the minutes of a previous meeting of the Legislature;
 - (iii) approve or amend the agenda for the current meeting of the Legislature;
 - (iv) approve or amend an annual budget;
 - (v) consider a main motion previously tabled under section 9.5 other than as unfinished business at the next meeting of the Legislature;
 - (vi) refer a matter not the subject of a pending motion to a committee of the Legislature;
 - (vii) adopt, accept or agree to a report presented to the Legislature;
 - (viii) ratify an action previously taken that cannot become legally valid until approved by the Legislature, including the following:
 - (A) emergency action taken at an ordinary or properly called meeting of the Legislature at which no quorum was present;
 - (B) emergency action taken by members of the Legislature, the Executive, committees or Yuulu?il?ath directors beyond their authority; and
 - (C) action taken by the Executive that requires approval of the Legislature;
 - (ix) discharge a committee of the Legislature from its work;
 - (x) make appointments to the Executive or a committee of the Legislature;
 - (xi) determine the procedure by which appointments to the Executive or, subject to the Committee Act, a committee of the Legislature will be made or other matters relating to appointments to the Executive or a committee of the Legislature if moved while no question is pending;

- (xii) adopt special rules of order and procedure, including voting requirements, or waive a requirement under Part 7 through Part 13, if moved while no question is pending;
 - (xiii) fix the time to adjourn the meeting of the Legislature, if moved while no question is pending;
 - (xiv) take a recess, if moved while no question is pending;
 - (xv) limit debate or extend limits previously placed on debate, if moved while no question is pending;
 - (xvi) initiate or discontinue a project;
 - (xvii) postpone an event or action previously scheduled;
 - (xviii) express an opinion;
 - (xix) otherwise engage in a consideration of any matter; or
 - (xx) otherwise take any action.
- (b) Only one main motion may be pending at a time.
- (c) For certainty, a main motion tabled under section 9.5, postponed to a specific time under section 9.8, referred to a committee of the Legislature under section 9.9 or postponed indefinitely under section 9.11 is not a pending motion as long as it remains tabled, postponed to a specific time, under consideration by the committee of the Legislature in accordance with the terms of its referral or postponed indefinitely.

Introduction of main motions

- 8.2** (a) A main motion may be introduced by
- (i) a member of the Legislature moving the motion, or
 - (ii) a committee recommending the motion.
- (b) A main motion must be seconded by another member of the Legislature, unless the motion is made upon the recommendation of a committee.
- (c) Subject to subsection (h), a main motion may be debated.
- (d) Subject to subsection (h), a main motion may be amended.
- (e) Subject to

(i) another Act requiring a two-thirds or higher majority of the members of the Legislature present and voting to vote in favour of a motion for that motion to be approved, or

(ii) subsection (f),

a main motion requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.

(f) A motion contemplated in section 8.1(a)(xii) or 8.1(a)(xv) requires a two-thirds majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.

(g) Subject to subsection (h), the decision on a main motion may be reconsidered in accordance with Part 12.

(h) A motion contemplated in section 8.1(a)(v) may not be debated or amended and the decision on a motion contemplated in section 8.1(a)(v) may not be reconsidered in accordance with Part 12.

Main motions out of order

8.3 The chairperson must rule as out of order the following motions:

- (a) a motion that conflicts with Yuulu?il?ath law;
- (b) a motion that the subject of is beyond the jurisdiction of the Yuulu?il?ath government;
- (c) a motion that repeats a question already considered and decided by the Legislature, except in accordance with Part 12;
- (d) a motion that conflicts with an already approved motion, except in accordance with Part 12;
- (e) a motion that conflicts with or repeats motions voted on in committee; and
- (f) a motion that appears to the chairperson to be intended solely as a delaying tactic, otherwise incorrect, frivolous or rude.

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PART 9 - SUBSIDIARY MOTIONS

Subsidiary motions described

- 9.1 A subsidiary motion is any motion that assists the Legislature in considering a main motion.

Introduction of subsidiary motions

- 9.2 (a) A subsidiary motion that relates to the main motion may be moved while the main motion is pending.
- (b) For certainty, a subsidiary motion that relates to the main motion must be moved before the main motion has been decided.
- (c) A subsidiary motion adheres to and takes precedence over the main motion to which it relates and must be decided before the main motion is considered further or decided.
- (d) A subsidiary motion must only be used to expedite consideration of the main motion by disposing of the main motion other than by the Legislature approving or rejecting the main motion.

Subsidiary motions subject to priorities

- 9.3 (a) All subsidiary motions are subject to the rankings of priority set out in section 9.4 and a subsidiary motion that ranks in higher priority to another subsidiary motion must be decided before a subsidiary motion that ranks in lower priority is considered further or decided.
- (b) Any subsidiary motion that ranks in higher priority under section 9.4 may be moved while another subsidiary motion that ranks in lower priority is pending and has not yet been decided and that subsidiary motion that ranks in higher priority, once moved and seconded, adheres to and takes precedence over any other pending subsidiary motion that ranks in lower priority and must be decided before any other pending subsidiary motion that ranks in lower priority is considered further or decided.
- (c) For certainty, a subsidiary motion that ranks in lower priority must not be moved while a subsidiary motion of higher priority is pending and the chairperson must rule as out of order any subsidiary motion of lower priority moved while a subsidiary motion of higher priority is pending.

Priority rankings

- 9.4 Subsidiary motions under this Part have the following ranking of priority in descending order, with, for certainty, the first having the highest ranking of priority and the last the

lowest ranking of priority, and each subsidiary motion may be moved and must be determined in accordance with section 9.3(b):

- (a) a motion under section 9.5 to table the pending motion until the next meeting;
- (b) a motion under section 9.6 to call for the vote on the pending motion, also known as calling the previous question;
- (c) a motion under section 9.7 to extend or limit the time for consideration of the pending motion;
- (d) a motion under section 9.8 to postpone consideration of the pending motion to a specific time;
- (e) a motion under section 9.9 to commit or refer the pending motion to a committee of the Legislature;
- (f) a motion under section 9.10 to amend the pending motion; and
- (g) a motion under section 9.11 to postpone consideration of the pending motion indefinitely.

Motion to table

- 9.5**
- (a) A member of the Legislature may move that consideration of the pending motion be delayed until the next meeting of the Legislature.
 - (b) The chairperson must rule as out of order a motion made under subsection (a) that purports to delay consideration of the pending motion to any time later than the next meeting of the Legislature.
 - (c) A motion made under subsection (a) must be seconded.
 - (d) A motion made under subsection (a) may not be debated.
 - (e) A motion made under subsection (a) may not be amended.
 - (f) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
 - (g) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 12 if
 - (i) the motion was not approved in accordance with subsection (f), and

- (ii) something urgent has arisen that was not known by the members of the Legislature when they rejected the motion.
- (h) A motion tabled under subsection (a) must be considered at the next meeting of the Legislature as unfinished business.

Motion to call for the vote

- 9.6**
- (a) A member of the Legislature may move that consideration of the pending question cease and that the pending question be put to an immediate vote of the members of the Legislature, also known as calling the previous question or calling question.
 - (b) The Chairperson must rule out of order a motion made under subsection (a) if
 - (i) the pending question is a motion that may be debated and no member of the Legislature has spoken to that motion, or
 - (ii) another member of the Legislature has the floor when the motion under subsection (a) is made.
 - (c) A motion made under subsection (a) need not be seconded.
 - (d) A motion made under subsection (a) may not be debated.
 - (e) A motion made under subsection (a) may not be amended.
 - (f) A motion made under subsection (a) requires a two-thirds majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
 - (g) The vote on a motion made under subsection (a) must be conducted by a show of hands under section 13.4 or a rising vote under section 13.5 and, for certainty, may not be conducted by a voice vote under section 13.3.
 - (h) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 12 but if the motion was approved in accordance with subsections (f) and (g), that reconsideration may only take place prior to the vote contemplated in subsection (i).
 - (i) If a motion made under subsection (a) is approved in accordance with subsections (f) and (g), the chairperson must immediately call the vote on the pending question.

Motion to limit or extend time

- 9.7**
- (a) A member of the Legislature may move to

- (i) limit or extend the period of time during which members of the Legislature may speak to the pending motion,
 - (ii) limit or extend the number of members of the Legislature who may speak to the pending motion, or
 - (iii) have the vote on the pending motion held at a specific time during the current meeting.
- (b) A motion made under subsection (a) must be seconded.
- (c) A motion made under subsection (a) may not be debated.
- (d) A motion made under subsection (a) may be amended, but only as to
- (i) the length of the period of time referred to in subsection (a)(i),
 - (ii) the number of members of the Legislature referred to in subsection (a)(ii), or
 - (iii) the specific time during the current meeting referred to in subsection (a)(iii).
- (e) A motion made under subsection (a) requires a two-thirds majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
- (f) The vote on a motion made under subsection (a) must be conducted by a show of hands under section 13.4 or a rising vote under section 13.5 and, for certainty, may not be conducted by a voice vote under section 13.3.
- (g) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 12 if
- (i) the motion was approved in accordance with subsections (e) and (f) and the subject matter of the motion has not yet been exhausted, or
 - (ii) the motion was not approved in accordance with subsections (e) and (f).

Motion to postpone to specific time

- 9.8** (a) A member of the Legislature may move that consideration of the pending question be delayed until a fixed time during the current meeting.
- (b) A motion made under subsection (a) must be seconded.

- (c) A motion made under subsection (a) may be debated, but only as to the appropriateness of postponing consideration of the question or the appropriateness of the time during the current meeting when the question will be brought back to the floor to be considered again.
- (d) A motion made under subsection (a) may be amended, but only as to the time during the current meeting when the question will be brought back to the floor to be considered again.
- (e) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
- (f) The decision of a motion made under subsection (a) may be reconsidered in accordance with Part 12.

Motion to refer to committee

- 9.9** (a) A member of the Legislature may move that consideration of the pending motion be referred to a
- (i) standing committee, or
 - (ii) special committee established for that purpose in accordance with the Committee Act,
- to consider and report back to the Legislature on the pending motion.
- (b) [Repealed]
 - (c) A motion made under subsection (a) must be seconded.
 - (d) A motion made under subsection (a) may be debated, but only as to the appropriateness of referring the question to a committee or, if the motion is to establish a special committee and refer the pending motion to that committee, the scope of the special committee's terms of reference.
 - (e) A motion made under subsection (a) may be amended, but only as to
 - (i) which committee to refer the pending motion to, or
 - (ii) if the motion is to establish a special committee and refer the pending motion to that committee, the scope of the special committee's terms of reference.

- (f) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
- (g) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 12 if the committee of the Legislature to which the question was referred has not begun its consideration of the question.

Motion to amend

- 9.10** (a) If the pending motion is a motion that may be amended under this Act, a member of the Legislature may, subject to subsections (b) and (d), move to amend the pending motion by
- (i) adding words, phrases or paragraphs to the motion,
 - (ii) striking out words, phrases or paragraphs in the motion,
 - (iii) substituting words, phrases or paragraphs in the motion by striking out those words, phrases or paragraphs and inserting new words, phrases or paragraphs in their place, or
 - (iv) substituting all of the motion with a new motion, also known as a motion to substitute.
- (b) A motion made under subsection (a)
- (i) must relate to the pending motion which it seeks to amend,
 - (ii) must not make the pending motion incoherent, and
 - (iii) must not be used to introduce new business for the Legislature to consider.
- (c) A motion made under subsection (a) must be seconded.
- (d) If the pending motion to be amended is a motion that may be debated under this Act, a motion made under subsection (a) may be debated.
- (e) Subject to subsection (f), a motion made under subsection (a) may be amended.
- (f) Only one motion may be made under subsection (a) (in this subsection the “secondary amending motion”) to amend a previous motion made under subsection (a) (in this subsection the “primary amending motion”) to amend an earlier motion and, for certainty, a secondary amending motion must be decided before another motion may be made under subsection (a) to amend the primary amending motion and any motion made under subsection (a) to amend a pending secondary amending motion must be ruled out of order by the chairperson.

- (g) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved and, for certainty, if the pending motion to be amended is a motion that requires a two-thirds or higher majority of the members of the Legislature present and voting to vote in favour of that motion for it to be approved, a motion made under subsection (a) to amend that motion does not require that two-thirds or higher majority of the members of the Legislature present and voting to vote in favour of that motion for it to be approved.
- (h) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 12.

Motion to postpone indefinitely

- 9.11**
- (a) A member of the Legislature may move that consideration of a pending main motion be postponed indefinitely, also known as killing the motion.
 - (b) A motion made under subsection (a) may only be moved when no other motions are on the floor, other than the pending main motion.
 - (c) A motion made under subsection (a) must be seconded.
 - (d) A motion made under subsection (a) may be debated and that debate may include consideration of the merits of the main motion to which the motion made under subsection (a) applies.
 - (e) A motion made under subsection (a) may not be amended.
 - (f) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
 - (g) Only a decision approving a motion made under subsection (a) may be reconsidered in accordance with Part 12.

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PART 10 - INCIDENTAL MOTIONS

Incidental motions described

10.1 An incidental motion is any procedural motion that deals with this Act or other procedural requirements, including the enforcement of proper parliamentary procedure, correcting errors and verifying votes.

Introduction of incidental motions

- 10.2**
- (a) An incidental motion may be moved at any time by any member of the Legislature recognized by the chair as having the floor or as otherwise provided by this Act.
 - (b) Subject to this Act providing otherwise, an incidental motion, once moved, must be decided before consideration of the previously pending question can resume.
 - (c) For certainty but subject to section 11.2(c), an incidental motion
 - (i) once moved in accordance with this Act, takes precedence over all other motions except a privileged motion, and
 - (ii) may not be moved while another incidental motion is pending.

Incidental motions not subject to priorities

10.3 For certainty, one incidental motion has no ranking of priority over another incidental motion.

Point of order

- 10.4**
- (a) A member of the Legislature who believes the chairperson has failed to properly enforce the requirements of Part 7 through Part 13 or parliamentary procedure may move a point of order for the chairperson to rule on.
 - (b) A motion made under subsection (a) must include the specific section of this Act or rule of parliamentary procedure relied on by the member of the Legislature moving the point of order under subsection (a).
 - (c) A member of the Legislature does not have to be recognized by the chairperson as having the floor in order to move a point of order under subsection (a).
 - (d) A motion made under subsection (a) need not be seconded.
 - (e) A motion made under subsection (a) may not be debated.
 - (f) A motion made under subsection (a) may not be amended.

- (g) A motion made under subsection (a) may not be voted on.
- (h) A motion made under subsection (a) may not be reconsidered in accordance with Part 12.
- (i) The chairperson must immediately provide a response and render a ruling on the point of order raised in the motion made under subsection (a).

Appeal chairperson's decision or ruling

- 10.5**
- (a) A member of the Legislature may move to appeal a decision or ruling of the chairperson, including a ruling of the chairperson under section 10.4.
 - (b) The chairperson must rule as out of order any member of the Legislature's criticism of a decision or ruling made by the chairperson that is expressed before a motion to appeal is made under subsection (a).
 - (c) A member of the Legislature does not have to be recognized by the chairperson as having the floor in order to make a motion to appeal under subsection (a).
 - (d) A motion made under subsection (a) must be seconded.
 - (e) A motion made under subsection (a) may be debated, but
 - (i) the chairperson may speak to the motion first in defence of the decision or ruling,
 - (ii) a member of the Legislature may only speak to the motion once, and
 - (iii) the chairperson may again speak to the motion immediately prior to holding the vote on the motion.
 - (f) A motion made under subsection (a) may not be amended.
 - (g) The chairperson must hold a vote on a motion made under subsection (a).
 - (h) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to reverse that decision or ruling of the chairperson.
 - (i) The decision on a motion made under subsection (a) may be reconsidered in accordance with Part 12.

Point of information

- 10.6** (a) A member of the Legislature may move a point of information to request additional information relevant to the pending question, but unrelated to the requirements of Part 7 through Part 13 or parliamentary procedure and is
- (i) necessary or desirable to assist the member of the Legislature in consideration of the pending question, and
 - (ii) readily available to the chairperson to obtain and provide to that member of the Legislature.
- (b) A member of the Legislature does not have to be recognized by the chairperson as having the floor in order to make a motion under subsection (a).
- (c) A motion made under subsection (a) need not be seconded.
- (d) A motion made under subsection (a) may not be debated.
- (e) A motion made under subsection (a) may not be amended.
- (f) A motion made under subsection (a) may not be voted on.
- (g) A motion made under subsection (a) may not be reconsidered in accordance with Part 12.
- (h) As soon as reasonably practicable, the chairperson must make reasonable efforts to provide the additional information referred to in a motion made under subsection (a).

Legislature inquiry

- 10.7** (a) A member of the Legislature may move a question of Legislature inquiry relevant to the pending question for the chairperson to answer regarding the requirements of Part 7 through Part 13 or parliamentary procedure to assist the member of the Legislature in moving a motion, raising a proper point of order, understanding the requirements of Part 7 through Part 13 or parliamentary procedure or the effect of the pending motion.
- (b) A member of the Legislature does not have to be recognized by the chairperson as having the floor in order to make a motion under subsection (a).
- (c) A motion made under subsection (a) need not be seconded.
- (d) A motion made under subsection (a) may not be debated.
- (e) A motion made under subsection (a) may not be amended.

- (f) A motion made under subsection (a) must not be voted on.
- (g) A motion made under subsection (a) may not be reconsidered in accordance with Part 12.
- (h) The chairperson must make reasonable efforts to immediately and adequately respond to the question referred to in a motion made under subsection (a).
- (i) The chairperson's response under subsection (h) may not be appealed under section 10.5.

Division of the vote

- 10.8**
- (a) Immediately upon the chairperson announcing the result of a vote on a motion, a member of the Legislature may move a division of the vote to require the chairperson to verify the results of the vote.
 - (b) A motion made under subsection (a) may not be moved until the chairperson has announced the results of the vote and must be made before any other motion is moved.
 - (c) A member of the Legislature does not have to be recognized by the chairperson as having the floor in order to make a motion under subsection (a).
 - (d) A motion made under subsection (a) need not be seconded.
 - (e) A motion made under subsection (a) may not be amended.
 - (f) A motion made under subsection (a) may not be debated.
 - (g) A motion made under subsection (a) must not be voted on.
 - (h) If a member of the Legislature makes a motion under subsection (a), the chairperson must immediately hold a revote on the question last voted and
 - (i) if the first vote on that question was held by a voice vote under section 13.3, the revote must be held by a show of hands vote under section 13.4,
 - (ii) if the first vote on that question was held by a show of hands vote under section 13.4, the revote must be held by a rising vote under section 13.5, or
 - (iii) if the first vote on that question was held by a rising vote under section 13.5, the revote must be held by a counted rising vote under section 13.6.

- (i) A motion made under subsection (a) may not be reconsidered in accordance with Part 12.

Ballot voting

- 10.9** (a) A member of the Legislature may move that the vote
- (i) on the pending motion, or
 - (ii) on the motion decided last, provided another motion has not yet been stated by the Chairperson,
- be conducted by secret ballot in accordance with section 13.7.
- (b) A motion made under subsection (a) must be seconded.
 - (c) A motion made under subsection (a) may not be debated.
 - (d) A motion made under subsection (a) may be amended.
 - (e) A motion made under subsection (a) is subject to a motion to table under section 9.5.
 - (f) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
 - (g) A motion made under subsection (a) may be reconsidered in accordance with Part 12.

Division of the question

- 10.10** (a) A member of the Legislature may move that a pending question containing several parts be divided into separate questions and that the Legislature consider and decide each question separately.
- (b) A motion made under subsection (a) may only be made if the Legislature is able to consider and decide each separate question independent of the others.
 - (c) A motion made under subsection (a) must be seconded.
 - (d) A motion made under subsection (a) may not be debated.
 - (e) A motion made under subsection (a) may be amended.
 - (f) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.

- (g) The decision on a motion made under subsection (a) may not be reconsidered in accordance with Part 12.

Objection to the consideration of a question

- 10.11** (a) A member of the Legislature may move that the Legislature not consider or decide a main motion because the member of the Legislature believes it is strongly undesirable for the main motion to come before the Legislature.
- (b) A motion made under subsection (a) may only be made prior to whichever of the following is applicable:
- (i) the chairperson opening debate on the main motion to which it relates; or
 - (ii) a subsidiary motion on the main motion being moved.
- (c) A member of the Legislature does not have to be recognized by the chairperson as having the floor in order to make a motion under subsection (a).
- (d) A motion made under subsection (a) need not be seconded.
- (e) A motion made under subsection (a) may not be debated.
- (f) A motion made under subsection (a) may not be amended.
- (g) A motion made under subsection (a) requires a two-thirds majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
- (h) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 12 if the motion was approved in accordance with subsection (g).

Permission to withdraw a motion

- 10.12** (a) A member of the Legislature who moved a motion may move to withdraw the motion so the motion is not considered or decided by the Legislature.
- (b) A motion made under subsection (a) need not be seconded.
- (c) A motion made under subsection (a) may not be debated.
- (d) A motion made under subsection (a) may not be amended.
- (e) A motion made under subsection (a) requires all members of the Legislature present and voting to vote in favour of the motion for the motion to be approved.

- (f) The decision on a motion made under subsection (a) may only be reconsidered in accordance with Part 12 if the motion was not approved in accordance with subsection (e).

Motions relating to nominations

- 10.13** (a) This section applies only to main motions contemplated in section 8.1(a)(x).
- (b) If a motion in the nature of a main motion contemplated in section 8.1(a)(x) is on the floor, a member of the Legislature may move to
 - (i) determine the procedure by which nominations will be made,
 - (ii) close nominations, or
 - (iii) reopen nominations.
 - (c) A motion made under subsection (b) must be seconded.
 - (d) A motion made under subsection (b) may not be debated.
 - (e) A motion made under subsection (b) may be amended.
 - (f) No subsidiary motion may be moved while a motion made this section is pending and has not been decided.
 - (g) A motion made under subsection (b)(i) or (b)(iii) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
 - (h) A motion made under subsection (b)(ii) requires a two-thirds majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
 - (i) The decision on a motion made under subsection (b)(i) may be reconsidered in accordance with Part 12.
 - (j) The decision on a motion made under subsection (b)(ii) may not be reconsidered in accordance with Part 12.
 - (k) The decision on a motion made under subsection (b)(iii) may only be reconsidered in accordance with Part 12 if the motion was not approved in accordance with subsection (g).

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PART 11 - PRIVILEGED MOTIONS

Privileged motions and questions of privilege described

- 11.1** (a) A privileged motion or question of privilege is any motion or matter relating to the personal welfare of the members of the Legislature in session.
- (b) A privileged motion or question of privilege need not relate to the pending motion.

Introduction of privileged motions and questions of privilege

- 11.2** (a) A privileged motion may be moved or a question of privilege may be raised at any time by a member of the Legislature.
- (b) Despite any provision of this Act to the contrary, if a privileged motion or question of privilege is made at a time when there is not a main motion on the floor, that privileged motion or question of privilege may be amended or debated.
- (c) Subject to section 11.3, a privileged motion or question of privilege takes precedence over any other pending motion and must be decided before any other pending motion is considered further or decided.
- (d) The member of the Legislature recognized by the chairperson as having the floor immediately prior to the privileged motion being moved or question of privilege being raised must again be recognized by the chairperson as having the floor immediately upon the privileged motion being decided or the chairperson responding to the question of privilege.

Privileged motions and questions of privilege subject to priorities

- 11.3** (a) All privileged motions and questions of privilege are subject to the rankings of priority set out in section 11.4 and a privileged motion or question of privilege that ranks in higher priority to another privileged motion or question of privilege must be decided before a privileged motion or question of privilege that ranks in lower priority is considered further or decided.
- (b) Any privileged motion or question of privilege that ranks in higher priority under section 11.4 may be moved or raised while another privileged motion or question of privilege that ranks in lower priority is pending and has not yet been decided and that privileged motion or question of privilege that ranks in higher priority, once moved and seconded, if required by this Act, or raised takes precedence over any other pending privileged motion or question of privilege that ranks in lower priority and must be decided before any other pending privileged motion or question of privilege that ranks in lower priority is considered further or decided.

- (c) For certainty, a privileged motion or question of privilege that ranks in lower priority must not be moved or raised while a privileged motion or question of privilege of higher priority is pending or remains unanswered and the chairperson must rule as out of order any privileged motion or question of privilege of lower priority moved or raised while a privileged motion or question of privilege of higher priority is pending or unanswered.

Priority rankings

11.4 Privileged motions and questions of privilege under this Part have the following ranking of priority in descending order, with, for certainty, the first having the highest ranking of priority and the last the lowest ranking of priority, and each privileged motion or question of privilege may be moved or asked and must be determined in accordance with section 11.3(b):

- (a) a motion under section 11.5 to adjourn the meeting of the Legislature;
- (b) a motion under section 11.6 to recess the meeting of the Legislature for an intermission; and
- (c) a question of privilege under section 11.7.

Motion to adjourn

- 11.5**
- (a) A member of the Legislature may move to adjourn the meeting of the Legislature.
 - (b) A motion made under subsection (a) may only be made if
 - (i) another future meeting of the Legislature has previously been scheduled, or
 - (ii) the motion to adjourn includes a date and time for the next meeting of the Legislature.
 - (c) A motion made under subsection (a) must be seconded.
 - (d) A motion made under subsection (a) may not be debated.
 - (e) A motion made under subsection (a) may be amended, but only as to the date and time for the next meeting of the Legislature.
 - (f) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
 - (g) A motion made under subsection (a) may not be reconsidered in accordance with Part 12.

- (h) When a motion made under subsection (a) is approved, any unfinished business must be resumed at the next meeting of the Legislature.

Motion to recess

- 11.6**
- (a) A member of the Legislature may move to have a short intermission in the meeting of the Legislature for a specific period of time.
 - (b) A motion made under subsection (a) must state
 - (i) the purpose of the recess, and
 - (ii) the length of time for the recess or the time for reconvening the meeting of the Legislature.
 - (c) A motion made under subsection (a) must be seconded.
 - (d) A motion made under subsection (a) may not be debated.
 - (e) A motion made under subsection (a) may be amended, but only as to the length of time for the recess or the time for reconvening the meeting of the Legislature.
 - (f) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion to be approved.
 - (g) A motion made under subsection (a) may not be reconsidered in accordance with Part 12.
 - (h) A motion made under subsection (a), if approved, suspends consideration of the pending motion until the Legislature resumes its business after the recess.

Questions of privilege

- 11.7**
- (a) Subject to subsection (b), a member of the Legislature may raise a question of privilege to the chairperson that relates to the rights of the Legislature or the rights of a member of the Legislature.
 - (b) A question of privilege raised under subsection (a) must relate to the comfort, dignity, safety or reputation of the Legislature, or a member of the Legislature, in session and may be of general privilege, relating to the Legislature as a whole, or of personal privilege, relating to the member of the Legislature posing the question of privilege.
 - (c) A question of privilege raised under subsection (a) may include, as examples only, any of the following:
 - (i) the approved agenda is not being followed;

- (ii) a motion moved by the member of the Legislature has been adjourned to a specific time under section 9.8 and that time has arrived;
 - (iii) noise or inadequate ventilation makes it difficult for a member of the Legislature to participate in the meeting; or
 - (iv) confidential information concerning a member of the Legislature has been or is about to be introduced into the meeting and guests are present.
- (d) If there is a pending question, a member of the Legislature does not have to be recognized by the chairperson as having the floor in order to raise a question of privilege under subsection (a).
 - (e) A question of privilege raised under subsection (a) need not be seconded.
 - (f) A question of privilege raised under subsection (a) may not be debated.
 - (g) A question of privilege raised under subsection (a) may not be amended.
 - (h) A question of privilege raised under subsection (a) may not be voted on.
 - (i) A question of privilege raised under subsection (a) may not be reconsidered in accordance with Part 12.
 - (j) The chairperson must rule on the admissibility of the question of privilege raised under subsection (a) and, if admissible, respond as best as possible to the question of privilege or take the reasonable action necessary to deal with the question of privilege.
 - (k) A member of the Legislature must not use a question of privilege to speak to a pending motion and the chairperson must rule such behaviour out of order.

PART 12 - RESTORATIVE MOTIONS

General

- 12.1** (a) A question already decided, or a question substantially the same as a question already decided, by the Legislature must not be considered by the Legislature.
- (b) Despite subsection (a), if this Act provides that a decision of the Legislature may be reconsidered under this Part, a member of the Legislature may move a motion in accordance with this Part and, if that motion is approved in accordance with this Part, the members of the Legislature may reconsider that decision in the manner described in this Part.
- (c) In this Part
- “previous decision” means a decision of the Legislature that this Act provides may be reconsidered under this Part;
- “previous question” means the question voted on that gave rise to the previous decision.

Motion to rescind or amend previous decision

- 12.2** (a) A member of the Legislature may move a motion to rescind or amend a previous decision provided that
- (i) no action has been taken by any person in reliance of the previous decision,
- (ii) any action taken by any person in reliance of the previous decision can reasonably be undone without cost or liability attaching to the Yuulu?il?ath First Nation that the Yuulu?il?ath First Nation is not prepared to assume, or
- (iii) the previous decision did not involve the
- (A) acceptance of a resignation and that resignation has been acted upon,
- (B) election or appointment of an individual to a committee of the Legislature, the Executive or some other office and that individual was present or officially notified, or
- (C) expulsion of an individual from a committee of the Legislature, the Executive or some other office and that individual was present or officially notified.

- (b) For certainty, any member of the Legislature may move a motion under subsection (a) regardless of how they voted on the previous question.
- (c) A motion made under subsection (a) may only be made if there is no other pending question on the floor and must yield the floor to any subsidiary, incidental or privileged motion moved in accordance with this Act.
- (d) A motion made under subsection (a) must be seconded.
- (e) A motion made under subsection (a) may be debated and that debate may go to the merits of the previous decision and the previous question.
- (f) A motion made under subsection (a) may be amended.
- (g) A motion made under subsection (a) requires a two-thirds majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.
- (h) The decision on a motion made under subsection (a) may only be reconsidered in accordance with this Part if the motion was not approved in accordance with subsection (g).
- (i) A motion made under subsection (a) approved in accordance with subsection (g) serves to rescind or amend the previous decision in the manner and to the extent set out in the motion made under subsection (a).

Motion to reconsider

- 12.3** (a) A member of the Legislature may move a motion to reconsider a previous decision provided that
- (i) the member of the Legislature moving the motion made under this section voted with the prevailing side on the previous question,
 - (ii) if the previous decision related to a subsidiary motion or an incidental motion that was
 - (A) applied to a main motion, that main motion is still pending, or
 - (B) applied to another subsidiary motion or an incidental motion, that other subsidiary motion or an incidental motion is still pending, and
 - (iii) the motion made under this section is made on the same day that the previous decision was made.

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- (b) For certainty and for purposes of interpreting subsection (a)(i), a member of the Legislature voted with the prevailing side on the previous question if that member of the Legislature voted
- (i) in favour of approving the previous question and the previous question was approved, or
 - (ii) in opposition to approving the previous question and the previous question was rejected.
- (c) The chairperson must rule as out of order a motion made under subsection (a) where
- (i) the previous decision approved the previous question and the provisions of the previous question have been partly carried out,
 - (ii) the previous decision approved the previous question and
 - (A) the previous question involved a contract, and
 - (B) a party to the contract has been notified of the previous decision,
 - (iii) the previous decision caused something to be done that is impossible to undo,
 - (iv) the previous decision was on a motion made under subsection (a), or
 - (v) practically the same result desired can be obtained by some other motion.
- (d) Subject to subsection (e), the making of a motion under subsection (a) has priority over all other motions but the consideration of a motion made under subsection (a) has the same priority as that of the previous question.
- (e) A motion made under subsection (a) is subject to
- (i) a motion made under
 - (A) section 9.8 to postpone consideration of the motion made under subsection (a) to a specific time,
 - (B) section 9.7 to limit or extend the time to debate the motion made under subsection (a), and
 - (C) section 9.6 to call for the vote on the motion made under subsection (a),

if the previous question is a question that this Act provides may be debated, and

- (ii) a motion made under section 9.5 to table the motion made under subsection (a).
- (f) A motion made under subsection (a) must be seconded and may be seconded by any member of the Legislature regardless of how they voted on the previous question.
- (g) If the previous question is a question that this Act provides may be debated, a motion made under subsection (a) may be debated and that debate may go to the merits of the previous decision and the previous question.
- (h) A motion made under subsection (a) may not be amended.
- (i) A motion made under subsection (a) requires a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved, regardless of the approval threshold required for the previous question.
- (j) The decision on a motion made under subsection (a) may not be reconsidered in accordance with this Part, except if a motion made under subsection (a) is not approved in accordance with subsection (h), it may be reconsidered as provided in this section with the unanimous consent of all the members of the Legislature present.
- (k) A motion made under subsection (a) approved in accordance with subsection (h) serves to bring the previous question back on the floor and the chairperson must immediately open the floor for debate on the previous question, if the previous question is one that this Act provides may be debated, and thereafter hold a revote on the previous question.

PART 13 - VOTING

General

- 13.1** (a) When the chairperson calls for the vote on a pending question, the chairperson must
- (i) firstly, call for those members of the Legislature who are in favour of the question being approved to indicate their approval in the applicable manner,
 - (ii) secondly, call for those members of the Legislature who are opposed to the question being approved to indicate their opposition in the applicable manner, and
 - (iii) thirdly, call for those members of the Legislature who wish to abstain from the vote to indicate their wish to abstain in the applicable manner.
- (b) Only those members of the Legislature in favour of the question being approved and those members of the Legislature opposed to the question being approved are to be counted in the vote held on the question to determine whether or not the question is approved or rejected and, for certainty, those members of the Legislature who indicate their wish to abstain from the vote must not be included in the counting of the vote.
- (c) After the members of the Legislature present have all had an opportunity to vote or indicate their wish to abstain from the vote, the chairperson must rule as to whether or not the question is approved or rejected by the members of the Legislature and may indicate so with the words “carried” for an approved motion or “lost” for a rejected motion.
- (d) A vote that results in a tie, with the same number of voting members of the Legislature in favour of the question being approved as the number of voting members of the Legislature opposed to the question being approved, results in the motion being rejected by the members of the Legislature.
- (e) For certainty, the chairperson is not compelled to vote to break a tie vote.
- (f) A member of the Legislature may vote against his or her own motion.

Voting on routine business

- 13.2** (a) Where business requiring approval of the Legislature is of a routine nature or it is clear to the chairperson that a consensus of all members of the Legislature has been reached, subject to subsection (b), the chairperson may waive a formal vote on that business by asking the members of the Legislature if there is any objection to the business being approved.

- (b) If a member of the Legislature raises an objection as contemplated in subsection (a), the chairperson must put the matter to a vote of the members of the Legislature.

Voice vote

- 13.3** (a) If the chairperson calls for a voice vote, a member of the Legislature must indicate orally when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
- (b) The words used by the member of the Legislature to indicate their favour or opposition to the motion or their desire to abstain from the vote must be clear and unequivocal and may include such words as “yes”, “no”, “aye”, “nay”, “I approve”, “I object”, “I am in favour”, “I am opposed”, “I abstain” or such other words the member of the Legislature chooses that unequivocally expresses their position on the question.
- (c) The chairperson may call for a voice vote on any motion that requires only a majority of the members of the Legislature present and voting to vote in favour of the motion for it to be approved.

Show of hands vote

- 13.4** (a) If the chairperson calls for a vote by show of hands, a member of the Legislature must indicate by raising their hand when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
- (b) For certainty, a member of the Legislature may use either their right hand or their left hand to indicate their position on the question.
- (c) The chairperson may call for a vote by show of hands on any motion which requires a vote to be held.

Rising vote

- 13.5** (a) If the chairperson calls for a rising vote, a member of the Legislature must indicate by standing when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
- (b) The chairperson may call for a rising vote on any motion which requires a vote to be held.

Counting a rising vote

- 13.6** (a) If a member of the Legislature has moved a division of the vote in accordance with section 10.8, that motion is in order and the revote contemplated under that section relates to a rising vote conducted in accordance with section 13.5, the chairperson must call for a rising vote to be counted.
- (b) If the chairperson calls for a rising vote to be counted or a rising vote is required to be counted under subsection (a), a member of the Legislature must indicate by standing and counting off as required by subsection (c) when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
- (c) When asked to do so by the chairperson, each member of the Legislature must stand and count off, beginning with the number “one” stated by the member of the Legislature closest to the left of the chairperson and continuing to that member of the Legislature’s left with the number “two” stated by the next member of the Legislature to vote, and continuing to the left of and consecutively stating the number of each member of the Legislature as they vote until each member of the Legislature wishing to vote has voted.
- (d) For certainty, the members of the Legislature voting in favour of the question voted on must first stand and count off in accordance with subsection (c), followed by the members of the Legislature voting against the question voted on who must, when asked to do so by the chairperson, stand and count off in accordance with subsection (c), followed lastly by those members of the Legislature indicating their desire to be recorded as abstaining from the vote.

Ballot vote

- 13.7** (a) If a member of the Legislature has moved a motion to require a secret ballot vote under section 10.9 and that motion has been approved in accordance with section 10.9(f), the chairperson must conduct that vote by secret ballot under this section.
- (b) If the chairperson conducts a vote by secret ballot, a member of the Legislature must indicate by marking on the ballot provided to them by the chairperson in accordance with subsection (c) when asked to do so by the chairperson whether they are in favour of the question being approved, opposed to the question being approved or they desire to abstain from the vote.
- (c) The chairperson must indicate to the members of the Legislature the manner in which they must mark their ballot to indicate their position on the question and that manner may include marking an “X” on the ballot beside and in response to questions or statements printed on the ballot or writing “yes”, “no” or “abstain” on the ballot in response to a question posed by the chairperson.

- (d) The chairperson must provide clear and unequivocal instructions to the members of the Legislature concerning the proper manner to mark their ballots and what would constitute a spoiled ballot under this section.
- (e) The chairperson may call a short recess to allow for the counting of ballots marked under this section.

PART 14 - EXECUTIVE

Executive portfolios established

- 14.1** (a) In accordance with section 2.17 of the Constitution, the following executive portfolios are established:
- (i) the finance portfolio;
 - (ii) the community services portfolio;
 - (iii) the asset management portfolio; and
 - (iv) the lands and resources portfolio.
- (b) The Legislature may by motion create other executive portfolios from time to time.
- (c) The Legislature must by motion appoint a member of the Legislature to hold each of the executive portfolios set out in subsection (a) or created under subsection (b).
- (d) The Legislature may appoint a member of the Legislature to hold more than one executive portfolio.
- (e) For certainty and in accordance with section 2.16 of the Constitution,
- (i) the President, and
 - (ii) each member of the Legislature appointed to hold an executive portfolio in accordance with subsection (c),
- form the Executive of the Yuulu?il?ath First Nation.
- (f) Each member of the Legislature appointed to hold an executive portfolio in accordance with subsection (c) is responsible for the executive oversight of
- (i) each Act associated with that executive portfolio as provided for in this or another Act, and
 - (ii) any department established under that Act.

Mandate

- 14.2** In addition to the duties and powers set out in section 14.1, the mandate of the Executive includes the following:

- (a) assisting the Legislature in fulfilling the Legislature’s responsibilities by reviewing and commenting on as necessary
 - (i) the systems of internal controls that the Legislature has established, and
 - (ii) compliance with laws, regulations and policies that apply to the Yuulu?il?ath First Nation;
- (b) assisting the director of operations in fulfilling the Yuulu?il?ath First Nation’s obligations relating to human resources and compensation matters and to establish a plan of continuity, development and succession for the Yuulu?il?ath administration;
- (c) reviewing the administrative structure of the Yuulu?il?ath government including the duties and powers to be assigned to Yuulu?il?ath directors and making recommendations to the Legislature for changes;
- (d) providing focus on governance matters that will enhance the performance of the Legislature and the Yuulu?il?ath First Nation; and
- (e) assessing and making recommendations regarding the Legislature’s effectiveness and establishing and leading the process for developing potential Executive member criteria and candidates for recommendation to the Legislature for appointments to the Executive.

Other duties and powers

- 14.3** (a) The Executive may
- (i) review the work done and information to be provided to the Legislature by any standing committee or special committee and, where appropriate, approve or recommend for approval to the Legislature matters set out in the terms of reference for any standing committee or special committee,
 - (ii) make decisions, or advise the Legislature as necessary, on expenditures within the Legislature approved budgets, and
 - (iii) make recommendations to the Legislature on matters within the Executive’s mandate.
- (b) The Executive must be given access to the Yuulu?il?ath administration and all documents as required to fulfill its responsibilities.
- (c) The Executive must be provided with the resources necessary to perform its duties and exercise its powers.

Delegation of duties and powers

14.4 Unless specifically provided for in this or another Act, the Executive may not delegate the performance of its duties or the exercise of its powers under this Part.

Executive rules of order and procedure

- 14.5** (a) The Executive must by regulation as soon as practicable establish the mandate and terms of reference for and the duties and powers of each executive portfolio set out in section 14.1(a) or created under section 14.1(b).
- (b) The Executive may by regulation determine its own rules of order and procedure.

Accountability

14.6 The Executive is accountable to the Legislature for the performance of its duties and the exercise of its powers.

Amendments

14.7 The Executive may annually review and recommend to the Legislature amendments to this Part.

YUULU?IL?ATH GOVERNMENT
LEGISLATURE RULES OF ORDER AND PROCEDURE ACT YFNS 3/2011
OFFICIAL CONSOLIDATION – CURRENT TO MAY 10, 2023

LEGISLATIVE HISTORY

Legislature Rules of Order and Procedure Act YFNS 3, 2011 enacted April 1, 2011

Amendments

Section	Amendment	In Force
Part 17	YFNS 21/2011, s.6.4(a)	August 30, 2011
18.2(a)	YFNS 44/2015, s.4.8(a)	April 14, 2015
18.2(b)	YFNS 44/2015, s.4.8(b)	April 14, 2015
Preamble	YFNS 82/2023, s.9.1(a)	May 10, 2023
1.4	YFNS 82/2023, s.9.1(b)	May 10, 2023
3.4(b)(x)	YFNS 82/2023, s.9.1(c)	May 10, 2023
3.4(b)(xi)	YFNS 82/2023, s.9.1(d)	May 10, 2023
4.1(b)	YFNS 82/2023, s.9.1(e)	May 10, 2023
4.2	YFNS 82/2023, s.9.1(f)	May 10, 2023
5.2	YFNS 82/2023, s.9.1(g)	May 10, 2023
5.3(e)	YFNS 82/2023, s.9.1(h)	May 10, 2023
5.4(a)	YFNS 82/2023, s.9.1(i)	May 10, 2023
5.4(b)	YFNS 82/2023, s.9.1(j)	May 10, 2023
5.11(c)	YFNS 82/2023, s.9.1(k)	May 10, 2023
5.12(b)	YFNS 82/2023, s.9.1(l)	May 10, 2023
5.12(d)	YFNS 82/2023, s.9.1(m)	May 10, 2023
6.1(b)(ii)	YFNS 82/2023, s.9.1(n)	May 10, 2023
8.1(a)(xi)	YFNS 82/2023, s.9.1(o)	May 10, 2023
8.1(a)(x)	YFNS 82/2023, s.9.1(p)	May 10, 2023
8.1(a)(xiv)	YFNS 82/2023, s.9.1(q)	May 10, 2023
9.9(a)(ii)	YFNS 82/2023, s.9.1(r)	May 10, 2023
9.9(b)	YFNS 82/2023, s.9.1(s)	May 10, 2023
9.9(d)	YFNS 82/2023, s.9.1(t)	May 10, 2023
9.9(e)	YFNS 82/2023, s.9.1(u)	May 10, 2023
Part 15, Part 16 and Part 18	YFNS 82/2023, s.9.1(v)	May 10, 2023
4.2(a), 5.10(c)(i), 8.1, 9.4(e), 9.9(g) and 12.2(a)(iii)	YFNS 82/2023, s.9.1(w)	May 10, 2023
3.2(c), 3.4(b)(x), 5.2(b),	YFNS 82/2023, s.9.1(x)	May 10, 2023

5.3(f), 5.10(c)(i) and 5.11		
4.3(b) and 5.4(b)(v)	YFNS 82/2023, s.9.1(y)	May 10, 2023

Amending Acts:

YFNS 21/2011 Economic Development Act enacted August 30, 2011
 YFNS 44/2015 Enforcement Framework Amendment Act No. 2 enacted April 14, 2015
 YFNS 82/2023 Committee Structure Amendment Act enacted March 13, 2023

Regulations enacted under this Act:

YFNR 3/2011 Executive Rules of Order and Procedure Regulation enacted April 1, 2011

Orders: