

Yukon Legislative Assembly

Information Sheet No. 3 Petitions

Petitions

The right of citizens to petition their elected representatives for redress of a grievance is based on centuries old tradition and precedent.

Petitioning the Crown (and later Parliament)...originated in the time of the thirteenth-century monarch Edward I. Petitioners had recourse to the Crown's prerogative power, which was above the law...In medieval times...Receivers and Triers of petitions appointed by the Crown travelled the country to hear the complaints of the people. Certain matters would be referred to local courts by the Triers but others would be found appropriate for consideration by the High Court of Parliament.¹

Today petitions are a way members of the public can bring their concerns to the attention of elected representatives. In this way petitions can influence government policies and the laws passed by the Yukon Legislature.

Presenting a petition to the Yukon Legislative Assembly

A petition must be presented to the Assembly by a Member of the Legislative Assembly (MLA) during a sitting day. In doing so the MLA is answerable for any improper material in the petition. The MLA presenting a petition must endorse it either by signing the petition or by signing a statement stating that the petition contains "proper matter for consideration by the Yukon Legislative Assembly."

A petition can be presented in two ways. The MLA may send the petition to the Clerk's Table at any time during the sitting day. Or the MLA may present the petition during that part of the daily routine called 'Petitions.' If the MLA presents the petition during 'Petitions' he or she may make a brief statement about the petition, including the subject of the petition, the number of signatures, and the redress requested by the petitioners. The MLA presenting the petition can not make any statement in favour of, or against, the petition as there is no debate allowed at this time.

The form and content of a petition

A petition must be addressed to the Legislative Assembly, state a grievance and ask that the Assembly do something. A petition can be printed or hand written, but the signature of at least three petitioners must be on the sheet that contains the statement of grievance. The petition must contain original signatures (not photocopies), but petitioners do not have to give their address, phone number or other contact

¹ Robert Marleau and Camille Montpetit, *House of Commons Procedure and Practice*, House of Commons, Ottawa; and Chenlière/McGraw-Hill, Montréal/Toronto, 2000, page 925.

information. Petitions do not have to be dated. Anyone can sign the petition. Signatories do not have to be Canadian citizens or Yukon residents.

An appendix to the Standing Orders of the Yukon Legislative Assembly includes a model petition. It can be found on the Legislative Assembly's website at: <http://www.legassembly.gov.yk.ca/standing/app2.html>

A petition can ask for an expenditure or grant of public funds. A petition can also address an issue that has been delegated to another body by the Legislative Assembly. However, the petition can not ask the Assembly to exercise authority it has delegated to another body.

There are other limits on petitions. For example, the language of a petition must be respectful, and though the remedy asked for would mean a change of government policy, it cannot express opinions about the government, the Assembly or MLAs. Also, a petition cannot contain a charge against a person. A petition cannot ask the Assembly to act outside the powers it has under the *Yukon Act*. Neither can a petition challenge an MLA's election to the Assembly. The courts deal with matters like this under the *Elections Act*.

Receipt of the Petition

On the sitting day following the presentation of a petition the Clerk of the Assembly presents a report on the petition. If the Clerk reports that the petition is in order it is considered "read and received" by the Assembly and becomes part of the Assembly's permanent records.

Debate on a petition

MLAs are not allowed to debate the Clerk's report to the Assembly. An MLA can, however, ask that the Clerk read the petition to the Assembly. A petition that complains of some present personal grievance requiring an immediate remedy may be debated at this point. But that is up to the Members of the Assembly. Petitioners can not demand an immediate debate.

Ministerial Response

The Assembly's rules require that the government respond to every petition that is deemed "read and received." A government minister must give this response, in the Assembly, within eight sitting days of the presentation of the petition to the Assembly. The minister's response to the petition can not last more than five minutes. Opposition Members can not speak to the petition at this time.

For more information contact the Office of the Legislative Assembly at
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Or visit the Legislative Assembly's website at: <http://www.legassembly.gov.yk.ca/>