

April 26, 2018

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**Standing Committee on Rules, Regulations, Private Bills and Privileges
First Report of the Third Session Sixty-fifty General Assembly
Recommendations Regarding Rule Changes**

Mr. Speaker and Members of the Legislative Assembly:

The Standing Committee on Rules, Regulations, Private Bills and Privileges is charged with matters concerning the rules and standing orders of the Legislative Assembly, scrutiny of regulations, private bills and the privileges of individual members and the Legislative Assembly as a whole.

Committee Membership

Kathleen Casey, Chair (Deputy Speaker; District 14, Charlottetown-Lewis Point)
Hon. James Aylward (District 6, Stratford-Kinlock)
Hannah Bell (District 11, Charlottetown-Parkdale) (*as of January 9, 2018*)
Hon. Sonny Gallant (Minister of Workforce and Advanced Learning; District 24, Evangeline-Miscouche)
Hon. Robert Henderson (Minister of Health and Wellness; District 25, O'Leary-Inverness)
Hon. Tina Mundy (Minister of Family and Human Services; District 22, Summerside-St. Eleanors)
Steven Myers (District 2, Georgetown-St. Peters) (*as of January 30, 2018*)
Allen Roach (District 3, Montague-Kilmur) (*as of February 6, 2018*)

Former members of the committee:

Peter Bevan-Baker (District 17, Kellys Cross-Cumberland) (until January 9, 2018)
Bush Dumville (District 15, West Royalty-Springvale) (until January 31, 2018)
Jamie Fox (Leader of the Official Opposition; District 19, Borden-Kinkora) (until January 30, 2018)

The following members served as a temporary member:

Alan McIsaac (District 5, Vernon River-Stratford)

Committee Activities

Your committee met **3** times during the time frame covered by this report:

At its meeting of **February 1, 2018**, your committee discussed its work plan for the next several months. A number of issues were brought forward for consideration by committee members and members of the Legislative Assembly. As a result of the discussion, your committee prioritized its work plan for the winter months, which included a review of the *Rules of the Legislative Assembly*.

Your committee met next on **March 1, 2018**, to receive a briefing on the *Rules of the Legislative Assembly of Prince Edward Island*, from Mr. Charles MacKay, Clerk of the Legislative Assembly of Prince Edward Island.

Your committee met *in camera* on **April 17, 2018**, to consider its report to the Legislative Assembly.

Recommendations

As a result of its deliberations, your committee is pleased to recommend the following:

- 1) That Rule 31 of the Rules of the Legislative Assembly be renamed “Participating in debate”, and amended by deleting the following words: “head uncovered”.**

This language is more inclusive, which is reflective of the values of the Legislative Assembly of Prince Edward Island. Your committee would like to provide additional guidelines for the deletion of the words “head uncovered”. The explanation in the Annotated Rules of the Legislative Assembly will still apply: “In the modern context, hats are not worn in the House at all. Although the rules are silent on other aspects of a dress code for members, convention requires business attire.” Hats and other casual head coverings shall be removed; however, head coverings for religious or health related reasons will be permitted.

- 2) That Rule 48. (b) be amended by deleting the following words: “, or any standing or special committee”.**

Rules 48. (b) and 49. (g) are contradictory and this amendment clears up that matter. The referral of any matter (including legislation and motions) would require notice to send to a standing committee of the Legislative Assembly; this is the current practice of the Legislative Assembly.

- 3) That section (2) of Rule 67 be deleted and sections (3) and (4) are renamed accordingly.**

As a result of the deletion of Rule 67. (2), Chapter 26 of the Rules of the Legislative Assembly is amended with the deletion of the following words:

“After the notice has been in members’ books for at least one clear sitting day”; and on line 2. Promoter: “Pursuant to notice given”.

This would eliminate the requirement for notice to introduce a private members bills. Private members will be free to introduce legislation during their designate time in the House, as government is during the order of business “Introduction of Government Bills”. As such, the procedure for introducing private members’ bills is amended to reflect the change.

- 4) That Rule 110 be deleted, and the following substituted:**

Rule 110. (1) All reports of committees shall be in writing and signed by the committee Chair only.

Rule 110. (2) A minority report shall not be appended nor received by the House.

Rule 110. (3) All reports of the committee shall be presented by a member of the committee standing in his or her place.

Rule 110. (4) The member presenting the report shall first move that the report of the committee be received.

Rule 110. (5) Following a motion that a committee report be received by the House, a motion on the adoption of the report shall be moved the following sitting day following receipt.

Rule 110. (6) Following a motion that a committee report be received by the House, any member may move that the report be referred to a Committee of the Whole House for its consideration and report.

Rule 110. (7) Following a motion that a committee report be received by the House, a motion may be moved that it be adopted, amended, rejected, or referred back to the committee for further examination and report.

Rule 110. (8) The report of a standing or special committee is considered final only after adoption by the House because, until then, the House can refer it back to the committee with instruction to amend it in any particular.

Rule 110. (9) A written executive response shall be tabled in the House during the next seasonal sitting following the adoption of the committee report.

Rule 110. (10) It is a breach of privilege for anyone to publish or make reference to the content of a committee report prior to its presentation in the House.

These changes to Rule 110 pertain to committee reports, creating a new subsection 110.(5), renumbering the following subsections, and updating the new subsection 110.(9). The effects of the two new subsections are:

- 1) Rule 110. (5) introduces a requirement that a certain amount of time occur between the motion of receipt of a report by the House (which makes the report a part of the Legislative Assembly's record, and as a result, a public document), and the motion of adoption of the report. Debate is permitted on the motion for adoption of the report; however, members are often speaking to reports that they have not yet had the opportunity to read. This requirement would allow for all members of the Legislative Assembly to familiarize themselves with the contents of the report, prior to substantial debate taking place. As is with other rules, Rule 110. (5) may be dispensed with unanimous consent of the House.
 - 2) Rule 110. (9) would formalize the response to committee reports, introducing a requirement that government respond formally to the report under the ordinary daily routine of "Reports by Committees". Under the current rule, executive responses must be made in the House; and often times, responses are made to reports in an informal manner. For example, responses can come in the form of a Ministerial Statement, during oral questions, or through the introduction of a Motion or Bill. This new process would formalize the process of an executive response, which would be kept in the Legislative Assembly's file, specifically as a response to a committee report.
- 5) That the changes to the Rules of the Legislative Assembly be effective as of the adoption of this report.**

Conclusion

Your committee wishes to advise that this is an interim report on its review of the *Rules of the Legislative Assembly*. As a part of its upcoming work, the committee intends to publish a White Paper on the review of the *Rules of the Legislative Assembly*. This White Paper will suggest ideas for change to the *Rules of the Legislative Assembly* and areas to modernize the Legislative Assembly, and will include the following topics: ways to update the legislative process; committees and how they function in the Legislative Assembly; petitions and potential for electronic petitions; and the sitting hours and parliamentary calendar of the Legislative Assembly. These are a few of the ideas the committee will touch on in its upcoming work. This White Paper will be made available to the public in advance of future public committee meetings of the Standing Committee on Rules, Regulations, Private Bills and Privileges. Your committee welcomes comments from all Members of the Legislative Assembly in creating this working document.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kathleen Casey". The signature is fluid and cursive, with a large initial 'K' and 'C'.

Kathleen Casey, MLA
Chair

Standing Committee on Rules, Regulations, Private Bills and Privileges

Appendix A

Rules of the Legislative Assembly of Prince Edward Island Recommendations from the Standing Committee on Rules, Regulations, Private Bills and Privileges – dated April 26, 2018

Rule #	Current Rule	New Recommendation
31	<p>Rising to speak</p> <p>31. Every member desiring to speak shall rise in his or her place, head uncovered, and address the Speaker.</p>	<p>Participating in debate</p> <p>31. Every member desiring to speak shall rise in his or her place, and address the Speaker.</p>
48. (b) And 49. (g)	<p>Motions not requiring notice</p> <p>(b) For the referral of any matter to Committee of the Whole House, or any standing or special committee.</p> <p>Motions which require notice</p> <p>49. (g) to refer any matter to any committee of the House for consideration by the designated committee.</p>	<p>Motions not requiring notice</p> <p>(b) For the referral of any matter to Committee of the Whole House.</p> <p>Motions which require notice (remains)</p> <p>49. (g) to refer any matter to any committee of the House for consideration by the designated committee.</p>
67	<p>Introduction of a private members' bill</p> <p>67. (1) A private member's bill is introduced upon motion for leave specifying the title of the bill.</p> <p>67. (2) A motion for leave to introduce a private members' bill may be made only after notice</p> <p>67. (3) A motion for leave to introduce a private members' bill shall be decided without debate or amendment but the member seeking leave may give a succinct explanation of the provisions of the bill.</p> <p>67. (4) Upon leave being granted for the introduction of a private members' bill, it shall immediately be read a first time without further question put.</p>	<p>Introduction of a private members' bill</p> <p>67. (1) A private member's bill is introduced upon motion for leave specifying the title of the bill.</p> <p>67. (2) A motion for leave to introduce a private members' bill shall be decided without debate or amendment but the member seeking leave may give a succinct explanation of the provisions of the bill.</p> <p>67. (3) Upon leave being granted for the introduction of a private members' bill, it shall immediately be read a first time without further question put.</p> <p>As a result of the removal of notice, Chapter 26, Private Members' Bills Procedure for First Reading is amended by the deletion of the words: "After the notice has been in members' books for at least one clear sitting day"; and amended in the first line of the promoter with the deletion of the words "pursuant to notice given".</p>
110	<p>Reports</p> <p>110. (1) All reports of committees shall be in writing and signed by the committee Chair only.</p>	<p>Reports</p> <p>110. (1) All reports of committees shall be in writing and signed by the committee Chair only.</p>

<p>110. (2) A minority report shall not be appended nor received by the House.</p> <p>110. (3) All reports of the committee shall be presented by a member of the committee standing in his or her place.</p> <p>110. (4) The member presenting the report shall first move that the report of the committee be received and then, if received, that the report be adopted.</p> <p>110. (5) Following a motion that a committee report be received by the House, any member may move that the report be referred to a Committee of the Whole House for its consideration and report.</p> <p>110. (6) Following a motion that a committee report be received by the House, a motion may be moved that it be adopted, amended, rejected, or referred back to the committee for further examination and report.</p> <p>110. (7) The report of a standing or special committee is considered final only after adoption by the House because, until then, the House can refer it back to the committee with instruction to amend it in any particular.</p> <p>110. (8) Executive response to committee reports must be made in the House during the following session of the Legislative Assembly.</p> <p>110. (9) It is a breach of privilege for anyone to publish or make reference to the content of a committee report prior to its presentation in the House.</p>	<p>110. (2) A minority report shall not be appended nor received by the House.</p> <p>110. (3) All reports of the committee shall be presented by a member of the committee standing in his or her place.</p> <p>110. (4) The member presenting the report shall first move that the report of the committee be received.</p> <p>110. (5) Following a motion that a committee report be received by the House, a motion on the adoption of the report shall be moved the following sitting day following receipt.</p> <p>110. (6) Following a motion that a committee report be received by the House, any member may move that the report be referred to a Committee of the Whole House for its consideration and report.</p> <p>110. (7) Following a motion that a committee report be received by the House, a motion may be moved that it be adopted, amended, rejected, or referred back to the committee for further examination and report.</p> <p>110. (8) The report of a standing or special committee is considered final only after adoption by the House because, until then, the House can refer it back to the committee with instruction to amend it in any particular.</p> <p>110. (9) A written executive response shall be tabled in the House during the next seasonal sitting following the adoption of the committee report.</p> <p>110. (10) It is a breach of privilege for anyone to publish or make reference to the content of a committee report prior to its presentation in the House.</p>
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