



LEGISLATIVE ASSEMBLY
OF PRINCE EDWARD ISLAND

MEMBERS' HANDBOOK

Prepared by Office of the Clerk

Fall 2011

Foreward

This document is intended as a brief introduction to some of the procedures and practices of the Legislative Assembly of Prince Edward Island.

For an official interpretation of rules, practices or procedures followed by the House, reference should be made to the rules of the Legislative Assembly of Prince Edward Island or information may be obtained from the Office of the Clerk.

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Introduction

The Legislative Assembly is the seat of the provincial government of Prince Edward Island. Here the Members of the Legislative Assembly (MLAs) conduct the most formal of their responsibilities, and those that will have the most significant impact upon our future as a society.

There are 27 Members of the Legislative Assembly, each representing a specific constituency. Each MLA has been elected by the voters of his or her district to come to Province House as the representative of that district. MLAs are men and women from a variety of backgrounds, who all have a desire to make a positive contribution to PEI.

In the Legislature, the MLAs take their seats: the Speaker upon the dais, government members to the left of the Speaker's chair, and members of the Opposition to the right. Members of the Executive Council (cabinet ministers) sit in the front and back rows on the government side, and the Premier sits in the middle of the front row. The Leader of the Opposition sits facing the Premier, in the middle of the front row on the Speaker's right. Members who are not cabinet ministers are referred to as Private Members, including members of the governing party. The Executive Councilors are generally recognized as "government" since they hold the responsibility of running government on a daily basis.

When the House is sitting, MLAs spend 16 hours a week in the Legislature. Sitting days are Tuesday through Friday each week. While Oral Question Period is the most widely known of the daily proceedings, it accounts for only 40 minutes per day, or 2 hours and 40 minutes per week. During question period, a member may ask a Cabinet minister any question about any departmental, agency, commission, or other duty for which that minister is responsible. Written questions may also be put to a minister, with the expectation that written answers will be forthcoming.

Other items in the daily routine include government motions, motions other than government, government orders and orders other than government. There are two occasions per week set aside for non-government business (Tuesday evening and Thursday afternoon). Motions, either government or non-government, are moved to facilitate debate and propose some action by government in response to a specific situation. Each member has the opportunity to speak to each motion once, with the exception of the mover, who opens and closes debate.

Chapter 1: Proceedings of the House

OPENING OF THE SESSION

By proclamation of the Lieutenant Governor, upon the advice of Executive Council, the members of the Legislative Assembly are summoned to meet.

After a general election, one of the first acts the Legislative Assembly must perform is the election of one of the members as Speaker. Once the Speaker is chosen, the Lieutenant Governor confirms the Assembly's choice and reads the Speech from the Throne. The Speech from the Throne outlines the reasons for the summoning of the Legislative Assembly and a broad sketch of proposed legislative and policy direction.

SPEAKER'S PROCESSION

Each daily sitting begins with the entrance of the Speaker preceded by the Sergeant-at-Arms and followed by the Table Clerks and Pages. Five minutes prior to sitting time, the bells are rung, calling the members into the Assembly.

All members are to be at their desks when the Speaker enters.

All members rise upon the entrance of the Sergeant-at-Arms who carries the mace and escorts the Speaker to the dais. The Sergeant-at-Arms then places the mace on the Table. The mace is a symbol of authority of the House, and through the House, of the Speaker. When it is in place, the House is duly authorized and the proceedings can begin.

The Speaker, dressed in a black robe and tricorn hat, opens the sitting day with prayers, after which all members take their seats. The daily journal for the penultimate (last-but-one) sitting day is approved and the doors are opened.

DAILY ROUTINE AND PROCEEDINGS

The hours of sitting for the Legislative Assembly of Prince Edward Island are:

Tuesday: 2-5 and 7-9 pm

Wednesday: 2-5 pm

Thursday: 2-5 and 7-9 pm

Friday: 10 am-1 pm

These hours are adhered to unless it is the unanimous will of the House to deviate from these normal sitting hours.

At the hour of opening for the day, members take their seats in the Chamber prior to the entry of the Speaker. The Sergeant-at-Arms, bearing the mace on his or her right shoulder, precedes the Speaker, the Table Clerks and the Legislative Pages into the Chamber. As the Speaker enters, everyone stands and remains standing until the conclusion of the prayers.

After prayers, everyone sits down, and the daily journal for the penultimate (last-but-one) sitting day is approved. Then the Speaker orders the doors opened and the public enters the gallery.

These items of business of the Ordinary Daily Routine are called in the following sequence each sitting day:

- Matters of Privilege and Recognition of Guests
- Statements by Members
- Questions by Members
(Commencing with ministerial responses to oral questions taken as notice)
- Statements by Ministers
- Presenting and Receiving Petitions
- Tabling of Documents (including responses to written questions)
- Reports by Committees
- Introduction of Government Bills

On Tuesday afternoon, Wednesday afternoon, Thursday evening and Friday morning the Ordinary Daily Routine is followed by Government Motions and Orders of the Day (Government).

On Tuesday evening and Thursday afternoon the Ordinary Daily Routine is followed by Motions other than Government, Orders other than Government, and then, if time permits, Government Motions and Orders of the Day (Government).

ADJOURNMENT, PROROGATION, DISSOLUTION

The definition of these terms is important in understanding the calendar of the Legislative Assembly.

The daily meeting of the Assembly is called a sitting; the sitting is concluded by the adjournment of the House. All business not concluded at the adjournment of the House stands over until the following sitting.

The annual meeting of the Assembly is called a session. A session is composed of a number of sittings and is concluded by prorogation. Upon the conclusion of the session's business, the Lieutenant Governor declares that the session is prorogued. Any business not completed before the session prorogues dies on the Order Paper.

The period of time between the general elections is called a legislature, or general assembly. A legislature is concluded by dissolution when a general election is called.

In summary, a sitting ends with adjournment. A session ends with prorogation. A general assembly or legislature ends with dissolution.

HOW LAWS ARE MADE

A legislative proposal is called a bill. Once it has been passed by the Legislative Assembly and has received Royal Assent from the Lieutenant Governor, it is called an act or a statute.

There are three types of bills.

1. **Public bills** are often referred to as government bills and begin life when the government decides to transform a policy initiative into a legislative proposal. Public bills are introduced in the House by ministers.
2. **Private members' bills** are introduced by members who are not ministers. These bills may not call for or imply the expenditure of funds or additional taxation.
3. **Private bills** are founded on a petition, and do not have general application within the province, but affect only one or a few persons, a corporation, service club, charity or religious group. Except for private bills affecting a municipality, these bills are promoted by a private member.

A bill cannot become law until it has received the approval of the Legislative Assembly and Royal Assent has been granted by the Lieutenant Governor. The Legislative Assembly must, therefore, have opportunities to consider bills both in general principle and detail. Therefore, every bill must pass through a number of stages:

Introduction and First Reading

A member rises at the appropriate time during Ordinary Daily Routine and moves that a bill be introduced and read a first time. No debate is permitted at this stage, but the member moving first reading may give an explanation of the purpose of the bill.

The motion is voted on immediately and, if passed, the bill is returned to the Order Paper for second reading. Once a bill has been introduced, it is distributed to members and made available to the public.

Second Reading

The general application and desirability of the measure are open for debate during this stage. Once the bill has received this consideration and approval on its principle, it is referred to the Committee of the Whole House.

Committee Stage

In a Committee of the Whole House, the bill is considered in detail and every clause and schedule is read, debated and voted on. The clauses of the bill may be amended at this stage. Once the bill has been approved by the Committee of the Whole House, it is reported back to the House and is ready for third reading.

Third Reading

The motion for third reading is debatable but usually only controversial pieces of legislation are debated at this stage. The debate at this stage centers on the effects of the bill if passed. Once the bill has received third reading it is ready to be passed.

Pass

Immediately following the third reading of a bill, a motion is made that the bill passes. The Speaker will stand and say,

This is a bill introduced by leave of the House, read a first time, read a second time, committed to a Committee of the Whole House, reported agreed to with (or without) amendment, read a third time, and it is moved that the bill do now pass. All those in favour say "yea." Contrary, "nay."

Recommitted

The House has an opportunity to send the bill back to the Committee of the Whole House for further consideration.

After a bill has been reported from Committee of the Whole House, it may be sent back the Committee by the House for the purpose of amending it. Recommittal should take place on the calling of the bill for third reading or during debate on third reading before the question has been put.

Even after the bill has received three readings and has passed, a motion may be made to rescind (cancel) third reading and pass, and recommit the bill to the Committee of the Whole House.

Royal Assent

Once the bill has successfully passed through all of its stages in the Legislative Assembly, it requires Royal Assent to make it an act. Royal Assent is given by the Lieutenant Governor.

Coming Into Force

After Royal Assent, an act may come into force immediately, on a specified date, or on a date to be proclaimed by the Lieutenant-Governor-in-Council.

The coming into force date of an act is usually found in the final clause of the bill, unless it is to come into force on Royal Assent.

MAJOR DEBATES

There are two major debates which take place every session.

1. Reply to the Speech from the Throne

The Speech from the Throne is a speech delivered by the Lieutenant Governor at the opening of a session outlining the government's plans for the session and government programs. The Reply to the Speech from the Throne is an opportunity for all members to publicly declare their support for, or disapproval of, government policy. The widest possible latitude is accorded to this debate. Members typically discuss any topic that may of interest, particularly constituency matters. As with other debates in our House, there are no time limits imposed on it.

2. Budget Debate

The budget address is the chief financial highlight of a legislative session. After the provincial treasurer presents the budget in a speech to the members and the public at large, the Leader of the Opposition is given an opportunity to comment on it and then, traditionally, adjourns the debate. On subsequent days, the floor is open for debate by all members. This debate tends to have a wide scope and members may highlight how the budget will impact their districts, and discuss present or future policy, budgets and administration. There is no limit as to the length of the debate.

DEBATE

While speaking, a member must not:

- (1) speak disrespectfully of the Queen, the Royal Family, the Governor General, the Lieutenant Governor or the Administrator of the province;
- (2) use language or words offensive toward the House or any member;
- (3) impute false or unavowed motives to another member;
- (4) make a personal charge against a member;
- (5) refer to any member by name;
- (6) refer to any debate of the same session on any question not then under discussion;
- (7) refer to any matter to which a judicial decision is pending;
- (8) anticipate discussion on a motion set down for future consideration.

DECORUM FOR MEMBERS

Not all of the practices of the Legislative Assembly are contained in the formal rules of procedure. Some of the unwritten customs that have been accepted are:

- (1) Members must be attired in standard business dress—a jacket and tie for male members, and the equivalent level of formality for female members.
- (2) Except in a Committee of the Whole House, members may speak only from their own desks. They must stand and address themselves to the Speaker.
- (3) When the Speaker is standing or putting a question, no member may enter, walk out or cross the Assembly or make any noise or disturbance.
- (4) A member must not pass between a member speaking and the Chair.
- (5) A member must not pass between the Chair and the mace.
- (6) It is customary to bow to the Speaker when leaving or returning to one's desk or the Chamber, and when crossing the central portion of the Chamber.
- (7) When the Assembly has adjourned, the members shall keep their seats until the Speaker has left the Chair.
- (8) No food is permitted in the Chamber.
- (9) Use of laptop computers is allowed, except during ceremonial occasions, but sound must be muted.
- (10) Smart phones and similar devices must be turned off in the legislature until after question period, and must remain on silent mode (no sound or vibrate) for the duration of the proceedings.
- (11) Members signify a request for the services of a page by raising their hand.
- (12) The public is not allowed on the floor of the Assembly. The Speaker's Gallery, behind the Bar of the Assembly, is for the use of members, former members, dignitaries and guests of the Speaker.

RULES FOR ORAL QUESTION PERIOD

The oral question period shall be limited to 40 minutes on each sitting day, not inclusive of any time required for ministerial responses to oral questions taken as notice.

- (1) Upon the order of business “questions by members” being call, oral questions of an urgent nature relating to public affairs may be put without notice to ministers of the Crown.
- (2) An oral questions shall be concisely and clearly put and shall refer only to a matter which may reasonably be assumed to be within the present knowledge of the minister

- (3) The minister to whom an oral question is directed may:
- a) immediately answer the questions, or
 - b) state that he or she takes the question as notice and answer it orally on a subsequent day under the same order of business, or
 - c) state that in his or her opinion the question should be put in writing.
- (4) When a minister answers an oral question, at the discretion of the Speaker not more than two supplementary questions directly related to the same subject matter may be answered.
- (5) Where, in the opinion of the Speaker, a question put to a minister is of such a nature as to require a lengthy reply, the Speaker may, upon the request of the minister, direct the question to be put in writing, or to stand as notice and be transferred to the order paper.

DECORUM FOR PUBLIC

There is seating in the public gallery for approximately 85 people. This space is usually allocated on a first come, first served basis; however, a limited amount of seating may be reserved by contacting the Office of the Speaker at 902-368-4310.

It is the duty of the doorman, under the direction of the Sergeant-at-Arms, to maintain order in the public gallery. Visitors must sign in on the first floor of Province House prior to proceeding to the public gallery.

They are not permitted to take briefcases or packages into the public gallery, or allowed to record the proceedings or take photos. Visitors are not allowed to take part in the debate even by way of applause or other interjection.

OATH OF ALLEGIANCE (OR SOLEMN AFFIRMATION)

All members are required by the Constitution of Canada to take and subscribe to the Oath of Allegiance to Her Majesty Queen Elizabeth II before taking their seats for the first time.

The Oath is as follows:

I, (name), do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law. So help me God.

The Lieutenant-Governor-in-Council customarily designates the Clerk and Clerk Assistant of the Legislative Assembly to administer the Oath of Allegiance.

After every general election, members have traditionally sworn the Oath of Allegiance just prior to the first sitting day of the new General Assembly.

Chapter 2: Personnel of the Legislative Assembly

LEGISLATIVE ASSEMBLY STAFF

This section lists the areas of responsibility for the Clerk, the Clerk Assistant and Clerk of Committees, the Committee Clerk, the Legislative Counsel and Law Clerk, the Research Librarian and the Legislative Researcher.

(1) **Clerk**

The Clerk is the chief permanent officer of the Legislative Assembly and is responsible for:

- a. maintaining records of all parliamentary business and for custody of all parliamentary papers;
- b. provision of assistance and advice to the Speaker, committee chairmen and all members on parliamentary procedure;
- c. administration of services and payments to members and staff of the Legislative Assembly.

(2) **Clerk Assistant/Clerk of Committees and Committee Clerk**

The duty of the Clerk Assistant /Clerk of Committees and Committee Clerk is to assist the Clerk in the performance of their duties. In committee proceedings, the Clerk Assistant/ Clerk of Committees and Committees Clerk will record decisions of committees, advise chair and members on procedure, and handle all administrative duties of those committees assigned by the Clerk.

(3) **Legislative Counsel and Law Clerk**

The duties of the Legal Counsel and the Law Clerk include:

- a. provision of legal advice to the Speaker, members individually on a personal and confidential basis, and to the Clerks-at-the-Table in the performance of their duties;
- b. responsibility for form and content of all bills and amendments to bills;
- c. assisting members in drafting private members' bills and private bills;
- d. acting as legal counsel to any committee if assistance is required.

(4) **Legislative Assembly Library Staff (Research Librarian and Research Officer)**

The Library provides the Legislative Assembly with timely, confidential, and non-partisan information services. The Library staff support the work of members of the Legislative Assembly, Standing Committees, and House Officers by providing research

and analysis on current issues. The library is located on the first floor of the Coles Building.

The Library contains a core collection of non-fiction works on public policy, agriculture, and the Island's political history, as well as a collection of government documents, including departmental, agency, and commission reports, electoral information, Public Accounts, Auditor General Reports, statistical reports, and sessional papers. The reference collection contains the Journals of the Legislative Assembly of Prince Edward Island (1959-present), the official record of the Legislative Assembly, as well as Prince Edward Island Acts (1950-present), the complete Hansard, and the Royal Gazette (2007-present). The Library has partnered with local collections at the University of Prince Edward Island, the Public Archives and Records Office, and the Government Services Library in order to offer members access to a wide range of historical government publications, as well.

The Legislative Assembly Research Librarian and Research Officer are able to undertake non-partisan research at the request of standing committees and individual MLAs. MLAs are encouraged to consult the Research Librarian and Research Officer for a variety of research needs. These might include (but are not limited to):

- Background research on issues brought forward by constituents
- Background research toward the drafting of a bill, motion or statement
- Summaries of other jurisdictions' legislation on a given issue
- Retrieval of information or statistics from provincial offices and external agencies
- Written reports and oral presentations to committees
- Information gathering for conference presentations
- Other forms of research

The Research Librarian and Research Officer are trained, experienced researchers familiar with information search and retrieval in both print and electronic formats. Through the Library's partnership with the University of Prince Edward Island, both staff members have access to the university's electronic databases, ensuring research includes the most up-to-date information in any field, covering topics as diverse as social sciences, fiscal accountability, and the local newspaper headlines.

Library staff can access current affairs information and current legislation from other Canadian jurisdictions through contacts with researchers in other provinces, and develop reports on specific issues through consultation with experts and organizations. Background or introductory files on specific issues can also be compiled.

Please do not hesitate to bring any form of research request to the Research Librarian or Research Officer. Research can be delivered by email, phone, fax, in person--- whatever manner you prefer.

When you make a research request, the Research Librarian and/or Research Officer will ask these questions:

(1) *What do you want to know? How do you want to use this information?*

Answering these questions as precisely as possible helps the Research Officer narrow the search to find the most useful information. For broad topics, you may want to set up a meeting with the Research Officer to discuss a focus for the research.

(2) *When do you need this information?*

The Research Officer may be working on several research requests at once, with a variety of deadlines. In general, requests from committees take precedence over requests from individual MLAs. The earlier the request is made, the better.

Individual MLAs' research requests are confidential. If persons in government offices or external agencies must be consulted, the nature of the research is only shared to the extent necessary to ensure the relevant information is provided. The name of the MLA making the request is never shared.

Please do not hesitate to contact the Research Officer at any time.

SPEAKER'S OFFICE

The Speaker is the member elected by the House to preside over proceedings and is responsible for order and decorum.

(1) **Speaker**

The Speaker is elected by secret ballot at the opening of a new legislature by the members of the Assembly.

It is the Speaker's duty to maintain order and decorum and to enforce the rules of the Legislative Assembly.

To enable the Speaker to act with complete impartiality, he or she is excluded from participating in partisan activities during the session.

The Speaker also serves as a representative of the Legislative Assembly for ceremonial and official occasions and is responsible for the services, staff and facilities directly related to the Assembly. The Speaker is the Chair of the Standing Committee on Legislative Management and Chair of the Legislative Audit Committee.

(2) **Speaker's Office**

The Speaker's Office is located on the first floor of Province House. The administrative assistant to the Speaker's Office can be reached by telephone at 902-368-4310 or by fax at 902-368-4473.

OTHER SUPPORT SERVICES

(1) **Sergeant-at-Arms**

The Sergeant-at-Arms is a symbolic security officer of the Assembly. He or she is entrusted with custody of the Mace (a symbol of authority of the House), and is charged with such tasks as removing unwelcome visitors and ringing the bells to recall members before a vote is taken. The Sergeant-at-Arms sits at the desk immediately inside the rail of the House.

(2) **Legislative Pages**

Legislative Pages are high school students who perform tasks required of them by the MLAs. They deliver message and papers between the members; bring supplies and drinks, and other duties as appropriate. When they are not otherwise occupied, the pages sit on the dais surrounding the Speaker.

(3) **Messengers**

Messengers play a support role for MLAs and House staff. Their duties include, but are not limited to, working in the House kitchen, securing the doors to the floor and helping with administrative functions of the Legislative Assembly.

Chapter 3: House Documents

HANSARD

A video and audio recording is made of each sitting day. It is available on-line in real time, and is archived. The audio is transcribed, edited, and published. The publication is called “Hansard” and it is distributed as follows:

Tuesday’s sitting is distributed on Thursday

Wednesday’s sitting is distributed on Friday

Thursday’s sitting is distributed on the following Tuesday

Friday’s sitting is distributed on the following Wednesday.

Hansard is also posted on-line (www.assembly.pe.ca).

An index to Hansard is published in early January for the preceding fall sitting; and again in mid-summer for the previous fall and spring sittings.

ORAL QUESTION PERIOD

Oral Question Period is transcribed and distributed via email by 8:00 p.m. on the same sitting day, and to the Government Members' Office, Office of the Opposition, and Office of the Premier in paper format before 10 am the following sitting day.

It is also posted on-line (www.assembly.pe.ca)

JOURNAL

The Journal is the official record of House proceedings for a session, issued in bound form. The daily journal for the penultimate (last-but-one) sitting day is approved each day by the members of the Legislative Assembly.

The Journal is available on line (www.assembly.pe.ca).

ORDER PAPER

The Order Paper is the daily agenda of the Assembly. Business that has not been completed during the sitting day is automatically transferred to the next day's agenda.

The Order Paper is posted on-line (www.assembly.pe.ca).

NOTICE OF MOTION PAPER

The Notice of Motion paper is published daily when the House is sitting. It contains a list of all notices of motions which ministers and private members have brought forward. It appears at the back of the Order Paper.

The Notice of Motion Paper is posted on line (www.assembly.pe.ca).

SESSIONAL PAPERS

Documents which are tabled in the Assembly are called sessional papers and each receives a number when tabled. The title of each document is recorded in the Journal and the original is retained as part of the records of the Assembly.

Chapter 4: Matters Relating to Pay, Expenses, Entitlements and Conflict of Interest

MEMBERS' PAY

Annual Indemnity

Pursuant to Section 46 of the Legislative Assembly Act, remuneration to be paid to Members of the Legislative Assembly is determined by the Indemnities and Allowances Commission. As of April 1, 2010, a member of the Legislative Assembly is paid an annual basic salary of \$65,344. This is the member's compensation for being a member of the Legislative Assembly of Prince Edward Island.

Salaries

In addition to the annual salary the following annual salaries are paid to members who carry out additional duties:

Speaker	\$38,474
Deputy Speaker	\$19,237
Premier	\$71,094
Cabinet Minister	\$45,688
Opposition Leader	\$45,688
Government House Leader	\$12,337
Opposition House Leader	\$ 4,339
Government Whip	\$ 3,659
Opposition Whip	\$ 3,659
Leader of the Third Party	\$16,764
Member of an Executive Council Committee	\$ 5,996

(Please note that a member may be remunerated for only one of these positions at any one time and that no additional remuneration is provided for service on Legislative Assembly Committees.)

Method of Payment

Pursuant to the Legislative Assembly Act, a member's salary is paid bi-weekly and directly deposited into the members' bank account of choice.

Sick Leave and Vacation

Members do not accumulate sick leave or vacation time. Subject to further decision of the Legislative Assembly or the Indemnities and Allowances Commission, members' remuneration continues uninterrupted until such time as the member is no longer a member and/or does not occupy one of the positions as noted under the salaries heading above.

Terms of Pay

Salary is payable to a member from the polling day on which the member was elected up to:

- (a) the day before polling day of the next general election, or
- (b) the day on which the member dies, resigns, is disqualified or otherwise ceases to be a member.

A salary due to the Leader of the Official Opposition and/or the leader of a Third Party is payable during the time that person is both a member and a leader up to:

- (a) the day before polling day of the next general election, or
- (b) the day on which the leader dies, resigns, is disqualified or otherwise ceases to be a member.

A salary due to the Speaker is payable from the day of election to the position up to:

- (a) the day preceding the date for the beginning of the first sitting of a new Legislative assembly after the Legislative Assembly of which the Speaker is a member has been dissolved, or
- (b) the day on which the Speaker dies, resigns, is disqualified or otherwise ceases to occupy the position.

The salaries due to the Premier and Ministers of the Crown are payable from the day in which the Premier and Ministers are sworn in as Members of Executive Council until the day before they are no longer Members of Executive Council.

Group Life Insurance, Health and Dental Plan

Group benefits for basic life insurance, accident, health and dental are available to members with premiums fully covered by the Legislative Assembly. Further to basic coverage as provided by the Legislative Assembly, optional and additional coverages are available at a cost to the member. Basic enrolment notification is provided to Johnsons Insurance from the Office of the Legislative Assembly. Detailed coverage is directly between the member and Johnsons. If you are interested in discussing additional coverage that is available to Members, please contact the Office of the Legislative Assembly at 368-5970 or Johnson's Insurance directly at 628-3537.

(Please note that long term disability coverage is not provided to members at this time.)

Pension

A new pension plan was introduced in 1994 and the supplemental plan in 1996. Details of this plan are available from Terry Hogan, Manager Pensions and Benefits at 368-4002.

MEMBERS' EXPENSES

Travel

Members (with the exception of the Premier, cabinet ministers, Leader of the Opposition and Speaker) are paid a mileage allowance at prevailing civil service rates for use of their own vehicles while attending sessions of the Legislative Assembly or committee meetings of the Assembly held on days when the House is not sitting or during the intersessional periods. For intersessional periods, Members receive payment on a claim basis for up to five (5) trips per month from their residence to Charlottetown when the House is not in session.

The Speaker, Premier, cabinet ministers, and Leader of the Opposition are provided with a government-owned or leased vehicle or in lieu thereof, an allowance for the use of his or her own vehicle.

Parking

Parking is provided for members by permit at the Queen Square parking lot, corner of Richmond and Great George Streets. Permits are issued by the Clerk of the Legislative Assembly and must be displayed on front windshield.

MEMBERS' ENTITLEMENTS

Computer

The Legislative Assembly provides a laptop for private members as follows:

- (a) private members are provided with a laptop by the Office of the Legislative Assembly;
- (b) whenever a member ceases to be a private member of the Legislative Assembly, the member has the option of:
 - (1) returning the laptop to the Office of the Legislative Assembly; or
 - (2) personally buying out the remaining obligation on the laptop lease.

The laptop is the property of the Office of the Legislative Assembly and must be purchased or returned by the member. Laptops are intended for use associated with the MLA business to whom it is assigned. These units will be configured to enable access to the Local Area Network from the floor of the Legislative Assembly.

Telephone Calling Card

Members of the Legislative Assembly are entitled to a telephone calling card, which is to be used for constituency-related business only. This card is billed to the Government Members' Office or Opposition Office and a record of your monthly usage appears on that bill. Each month you will receive a copy of your portion of the bill along with a confirmation form, which you will be asked to sign and return to the Office of the Clerk.

Residential Fax Line

The Legislative Assembly will provide a separate fax line for each private member in his or her residence. As with the calling card, these lines are billed to the caucus offices and a copy of your monthly usage is forwarded for confirmation with your calling card information.

Internet

Internet service is provided to private members. A request to Bell Aliant will be made on your behalf and paid for by the Legislative Assembly. If you wish a service provider other than Bell Aliant you are responsible for installation and billing. The Legislative Assembly will then reimburse your monthly charges on a claim basis. The maximum allowable monthly charge is \$42.95 plus tax.

Fax Machine

Private members are entitled to a fax machine in their home for constituency-related business. The Legislative Assembly also provides repairs and maintenance, print cartridges and paper supplies for these faxes. When a member retires, resigns or is defeated, he or she has the

option to purchase these units or they are returned to the Legislative Assembly and re-issued to incoming members.

Charlottetown Offices and Support

Each private member of the Legislative Assembly is provided with office space in Charlottetown (Coles Building) to support the member in the conduct of his or her legislative responsibilities as an elected representative (this support is not provided, nor intended, to support political party activities with which the member may be involved).

These offices are referred to as the Government Members' Office and the Opposition Members' Office (and the Third Party Office, when applicable). Allocation of office space is at the discretion of the Speaker of the Legislative Assembly with input from each respective caucus.

The offices are staffed and telephone services, mailing privileges, office equipment, furniture, stationary, business cards and paper supplies are provided by the Legislative Assembly. In addition, the offices are provided with an annual operating grant (2011/2012 the amount is \$120,400 to the Government Members Office and \$108,300 to the Opposition Members Office) to assist in funding special research as required,

office supplies, caucus functions, advertising associated with a members' responsibilities as an elected representative, staff and member travel not covered by the Assembly, hosting, promotional initiatives associated with government or opposition business, etc.

CONFLICT OF INTEREST

All members are required to comply with the Conflict of Interest Act by filing a private disclosure statement with the Conflict of Interest Commissioner. Disclosure statements must be filed within sixty (60) days of being elected and, subsequently, once in every following calendar year on or by the date established by the Commissioner.

Glossary of Standing/Special Committees Terms

INTRODUCTION TO COMMITTEES

Committees are able to carry out work that the Legislative Assembly as a whole would find difficult to undertake. They provide an important means for members to carry out detailed investigations before the Assembly must come to a decision. Committees can consult the public and collect the views of individuals, and community, professional, business, academic and other groups. In a sense, committees take parliament to the people and allow direct contact between members of the public and a group of members of the Legislative Assembly.

In addition, committees enhance the democratic process by providing for greater accountability of the executive branch of government to the Legislative Assembly. They can investigate questions of government administration and service delivery.

Committees may call the government or the public service to appear before them to answer questions and account for their actions or explain administrative decisions.

Committees give individual members of the Legislative Assembly an opportunity to contribute their experience and expertise in a parliamentary forum outside of the chamber, thereby broadening their role.

Finally, by simply undertaking an inquiry, a committee may promote public debate on the subject at issue.

ADJOURNMENT OF DEBATE

Every member has the right to move a motion to adjourn a debate. The motion supersedes the motion being debated.

The motion is in the form, "That this debate be now adjourned." It is not debatable and the chair puts the question to the committee members immediately. If the question is resolved in the negative, no second motion to the same effect may be made until some intermediate proceeding has occurred. An immediate proceeding is defined as something that could be properly entered in the minutes, and relates to procedure and not to debates. If the question is resolved in the affirmative, it has the stated effect. The debate is adjourned, and the committee moves on to its next order of business.

If the motion for adjournment has conditions attached, it becomes a substantive motion and may only be moved when there is no other motion on the floor. In this case, the motion is both debatable and amendable.

A motion for adjournment of the debate can only be made by a member of the committee properly recognized by the chair. Such a motion cannot be made on a point of order.

The term "tabling" when used by a member with the intent to defer or postpone the consideration of a question is not appropriate. The proper wording would be to

“postpone the consideration of the question.” When a committee agrees to postpone consideration of a question, the clerk of the committee ensures that the item stays on the committee’s agenda and is reviewed by the committee periodically.

ADJOURNMENT OF MEETING

Every member has the right to move a motion to adjourn the committee. The motion supersedes other business of the committee, and does not require notice.

An adjournment motion is not debatable if it is in the form, “That the committee do adjourn.” If any conditions are attached to the terms of the adjournment motion (for example, a date to which the committee should adjourn) it is debatable and amendable and may only be made when no other motion is on the floor.

A motion for adjournment of the committee can only be made by a member of the committee properly recognized by the chair. Such a motion cannot be made on a point of order.

If the motion passes, the committee adjourns and its business is carried over to the next meeting of the committee.

If the question is resolved in the negative, no second motion to the same effect may be made until some intermediate proceeding has occurred. An immediate proceeding is defined as something that could be properly entered in the minutes, and relates to procedure and not to debates.

APPEALING A CHAIR’S DECISION

While the chair’s rulings are not subject to debate, they may be appealed to the committee. A member appeals a ruling by requesting that the committee vote on the motion, “That the chair’s ruling be sustained.” In the event of a tie vote on an appeal, the decision of the chair is sustained. The overturning of a ruling is not necessarily considered a matter of confidence in the chair.

Committee members cannot appeal to the House except by way of a report endorsed by a majority of committee members.

ATTIRE

Appropriate dress for committee members is business attire, as the committees are extensions of the House and the same provisions governing dress are applied.

AUDIO AND VISUAL COVERAGE (THE MEDIA)

The media is allowed to attend the public meetings of a committee, and audio and visual coverage of the proceedings is permitted. However, the coverage may be discontinued if, in the opinion of the committee, a witness is uncomfortable with it.

Recording of the proceedings by the public is not permitted.

AUTHORITY

Committees receive their authority from the House itself and the authority of the House overrides that of any committee.

AUTHORITY TO PUNISH

A committee has no authority to punish one of its members or witnesses for an offense committed before it. The committee may only report any such offense to the House for its determination.

Should the committee be the scene of any disorder open to possible censure, the committee can only report it to the House. Procedurally, the committee would adopt a motion to report alleged improper conduct to the House for its action. The chair would then make a report to the House, in the usual way. Reports from committees may be presented with reference to disorderly conduct; contempt of the committee's authority (for example, where a person summoned as a witness refuses to attend or to answer questions); or a presumption that a breach of privilege or other contempt of the House has been committed (such as a libel upon the chair of the committee). The authority to punish belongs exclusively to the House, and not to its committees.

CASTING VOTE

In the event of equality of voices, that is, a tie between the yeas and the nays, the chair has the casting or the deciding vote.

With the exception of proceedings on private bills, the chair of a committee may vote only when there is an equality of votes. In giving a casting vote, the chair is guided by the same principles as the Speaker in the House.

In general, when a committee cannot by majority decide a question, the chair has no obligation to decide on the committee's behalf, and should avoid doing so. The chair should vote in any way that extends debate, maintains the status quo, or offers the opportunity for the committee as a whole to further debate and decide on the matter. When giving a casting vote, the chair may give any reasons for the way in which he or she voted, but is not bound to do so.

In the case of private bills, the chair of the Standing Committee on Privileges, Rules and Private Bills has first a deliberative vote, and then in the case of a tie, a second and casting vote.

CHANGE IN COMMITTEE MEMBERSHIP

Change to the membership of a standing committee may be temporary, that is, a member may substitute for a permanent member of a committee for a meeting or meetings; or change may be permanent, where a member is appointed to take the place of another member for the life of the committee.

Substitutions, or temporary changes in membership, happen on a frequent basis. The procedure is that the leader of the party involved (the Premier or the Leader of the

Opposition) will file a letter with the chair of the committee. The letter sets out the name of the substitute member and the time period of the substitution. The change is effective immediately. Substitute members are considered to be on equal footing with permanent members during the period of substitution. Substitutions are reported to the House in the committee's next report on its activities.

A change in membership may be permanent. For example, if a member resigns his or her seat, he or she has also resigned from any and all committees of which he or she was a member. A permanent change is again handled by the leader of the party concerned. There are two methods to effect the change. The Premier or the Leader of the Opposition may announce the change in membership during the ordinary daily routine "reports by committees." The alternative is for the leader of the party involved to simply write a letter to the chair informing him or her of the permanent change in membership. In both cases, the change will be documented for the information of the House in the committee's next report.

COMMITTEE CLERK

The committee clerk is the procedural and administrative advisor to both the chair and the committee members. The clerk carries out his or her duties and responsibilities in consultation with the chair and at the direction of the committee. The committee clerk is an impartial servant of the House and, as such, is strictly non-partisan.

The committee clerk attends all meetings of the committee, maintains all committee records, writes procedural rulings for use by the chair, drafts motions for use by members of the committee, conducts correspondence, arranges for meeting rooms, sends out notices of meetings, drafts an agenda for the chair, provides for copying, distributing and translating material for committee members, schedules and arranges for witnesses' attendance, serves as the liaison between the public and the committee, may administer oaths or affirmations to witnesses, records attendance at each meeting, prepares reports, co-ordinates work of staff assigned to the committee, communicates with House leaders, members, public servants and the public on the committee's behalf concerning matters before the committee, and attends to financial and logistical arrangements for committee travel.

COMMITTEE ON COMMITTEES - THE NOMINATING OR STRIKING COMMITTEE

Before committees can organize themselves or undertake any business, the membership of each committee must be established. The Special Committee on Committees, which is struck on the first sitting day of a new session, is charged with the selection of members for all standing committees. The one exception is the Standing Committee on Legislative Management, whose members are specified in the rules.

The Special Committee on Committees meets, proposes the membership of the various standing committees, and reports to the House. Once the report has been adopted by the House, the Committee on Committees ceases to exist, and the standing committees of the Legislative Assembly are formed.

The Special Committee on Committees must comply with a number of rules concerning committee membership: (1) membership must be allocated, in general, in the same proportion as that of the recognized political parties in the House itself; (2) no fewer than two members of the Official Opposition are to be nominated for membership on each committee, unless there is only a single member of the Official Opposition in the House; and (3) no standing committee shall have more than ten members.

The Special Committee on Committees may nominate members to serve on more than one committee.

CONTEMPT

Disobedience to the order of proceedings of a committee, provided those orders are within the scope of the committee's authority, is a contempt of the House.

Contempt of the House is defined as disobedience to, or defiance of, an order of the House, or some other insult to the House or its dignity, or a breach of parliamentary privilege. It can relate to any attempt to interfere with proceedings or to obstruct or threaten members in the performance of their parliamentary duties. Such behaviour in committee is considered a contempt of the House.

The committee would report the matter to the House for its determination.

CONVENING A MEETING

Committee members are convened, that is, called together for the purpose of meeting by the chair, acting either on a decision made by the committee or on his or her own authority.

The clerk of the committee, on instructions from the chair, sends out a notice of each upcoming meeting to all committee members. The notice indicates the subject matter of the meeting, as well as the time and place of the meeting. Other relevant information, such as the meeting number, whether the meeting is public or in camera and the names of scheduled witnesses is contained in the notice. As well as informing committee members of the meeting, the notice also serves to alert the various administrative components of the Assembly which provide logistical support for meetings—administrative staff, transcription, security, and so on. Notices of public meetings are posted on the committees' section of the Legislative Assembly web site, and sent to the media via Island Information Services.

Occasionally, circumstances arise which make it necessary to cancel a committee meeting after a notice convening the committee has been issued. A cancellation notice is issued by the clerk of the committee in these cases.

DISORDER IN COMMITTEE

It is generally sufficient to advise the audience that disruption of the committee's business will not be tolerated.

If that is not effective, the chair has other options when faced with the situation of disorderly conduct caused by a stranger (that is, not by a member of the committee). The chair may (1) declare a brief recess to allow calm to be restored; (2) ask a member of the committee to move a motion of adjournment of the committee; or (3) ask for a motion to exclude the stranger from the meeting.

If the disorder is caused by a committee member, the committee may decide to adjourn, as it has no authority to exclude a member of the House.

In any case, the committee may report the matter to the House for its determination.

DISSOLVING THE COMMITTEE

The life of a standing or special committee is ended either by dissolution (an election is called) or prorogation (the end of the session) of the House.

The House may, by motion, determine that a standing or special committee is not dissolved by prorogation and may authorize it to continue its inquiries after prorogation.

A special committee also comes to an end once its final report has been adopted by the House.

DIVISIONS (VOTING)

The will of the committee is ascertained by means of a vote. Once debate on a motion appears to be finished, the chair asks the committee if it is ready for the question—that is, if the committee is ready to come to a decision. If no committee member indicates he or she wishes to speak, the chair puts the question to the committee for a decision.

All questions before the committee are decided by a majority of voices; there is no provision for a recorded vote, or a recorded division.

No member may raise a question of privilege or a point of order when the vote is being conducted.

Members of the House who are not members of a particular committee are entitled to be present at the sitting of all committees; but they may not vote, move motions or be part of any quorum for committees of which they are not members.

Substitute members of the committee are considered to be on equal footing with regular committee members—as soon as formal notification of the substitutions has been received—and are permitted to vote, move motions and be part of a quorum.

ELECTION OF CHAIR

As in the House itself, proceedings of a standing or special committee are conducted through a presiding officer, the chair. Once the report of the Special Committee on Committees is adopted by the House, a meeting of each committee is convened within six sitting days by the committee clerk for the primary purpose of electing a chair. Unlike the election of the Speaker, the election of the committee chairmen is not done by

secret ballot but rather by motion. The committee clerk presides over the election of chair.

In general, the chair is a member of the governing party, except in the case of the Standing Committee on Public Accounts, where traditionally the chair is a member of the official opposition. The Standing Committee on Public Accounts, although there is no procedural authority, elects a member of the governing party from its membership to a position of vice-chair. The newly elected chair presides over the election of the vice-chair.

If the committee has business to conduct, it may decide to continue to sit. Otherwise, it adjourns to the call of the chair.

In the absence of the chair, the vice-chair presides over the Standing Committee on Public Accounts. In the absence of both the chair and the vice-chair, any member of the committee may act as a temporary chair. In the case of the other committees, in the absence of the chair, any member of the committee may act as temporary chair.

EXPENSES FOR WITNESSES

A committee, after consulting the Speaker, may decide to reimburse the travel expenses of, and provide a reasonable per diem to, a witness summoned before it.

If the committee's work centers on a private bill, then no witness reimbursement is permitted.

Most often, witnesses who appear at the invitation or summons of a committee are responsible for their own travel and incidental expenses.

EXPERT ASSISTANCE

If a committee deems it necessary to retain the services of an expert to help it complete its work, it may do so, after receiving the permission of the House.

GENERAL RULES

Committees are extensions of the House and are guided, as far as applicable, by the rules of parliamentary procedure that are observed in the House itself. There are, however, two stated exceptions. First, there is no requirement that motions require a seconder. Second, the rules respecting the number of times a member may speak to a question do not apply in committee. One specific type of motion, the previous question, may not be moved in committee.

In general, proceedings in committee can be more informal and collegial than in the House.

Since committees are creatures of the House, their powers and authority are as the House alone determines. Most of these powers are now incorporated into the rules, and include the power to meet to examine and inquire into such matters and things as the House refers to them, or that committees themselves deem appropriate. Committees

also have the power to send for persons, papers and records, to meet in camera, to examine witnesses, and to report to the House from time to time their observations and opinions.

Committees may make a variety of decisions concerning their own procedure. For example, the committee may adopt a motion respecting its organizational work plan, or issuing instructions to the clerk of the committee with respect to distribution of documents.

Committees are charged with solving their own procedural difficulties.

HOURS OF SITTING

Despite the fact that committees have the general authority to fix the time of their meetings, subject to notice requirements, they are restricted to sitting outside the sitting hours of the House, which has priority on members' time.

Committees are permitted to hold meetings during the sitting day when the House is recessed, from 5 pm to 7 pm on Tuesdays and Thursdays.

As always, the authority of the House prevails, and its permission or direction would allow a committee to hold a meeting concurrently with a sitting of the House.

IN CAMERA MEETINGS OF COMMITTEES

Usually, the public is welcome to attend and observe the meetings of committees. The committees most often meet in the Pope Room of the Hon. George Coles Building which is equipped with all the facilities required for hearings and presentations and can accommodate approximately 50 observers.

On occasion, however, a committee may decide to deal with administrative matters or certain subject matters without the glare of publicity. It may wish to hear evidence requiring confidentiality. As a matter of course, the Standing Committee on Legislative Management meets in camera; and when any committee is drafting its report, it meets privately. At in camera meetings, neither the public nor the media is permitted. The meeting is recorded and transcribed, unless the committee unanimously decides otherwise, but the tape or transcript is not released beyond the committee's membership and is never made public.

When a committee chooses to meet in camera, all matters are confidential.

The proceedings of an in camera meeting are protected by privilege. Any publication, reference to, or release of its proceedings is an offense and may be raised as a question of privilege in the House.

When the committee is in camera for the purpose of deliberating on its report, members who are not members of the committee retire, although the committee has no authority to exclude them. Likewise, when the committee, by motion, feels it is appropriate to hear evidence in private, non-members normally withdraw. It has occurred, at the

discretion of the committee, that non-members have remained during in camera sessions.

LIFE OF A COMMITTEE

An adjournment of the House to a day beyond the next sitting day has no effect on matters before committees.

Standing committees have a sessional mandate, and do not survive prorogation, except by permission of the House. It is usual for a committee which has not completed its inquiries before the end of the session to report this fact to the House, and request that it be allowed to continue its work beyond prorogation. The only exception is the Standing Committee on Privileges, Rules and Private Bills which is empowered to sit when the House is not in session.

All standing committees are re-constituted at the beginning of each session.

Special committees cease to exist once their final report has been received and adopted by the House.

Dissolution of the House (when a general election has been called) abolishes all committees and all outstanding inquiries.

In summary, if the House...

Adjourns	There is no effect on committees
Prorogues	All business and proceedings end, unless permission has been sought and granted from the House for a continuation. There is no effect on the Standing Committee on Privileges, Rules and Private Bills.
Dissolves	All committees cease to exist and all matters before the committees lapse.

MAJORITY DECISIONS

As in the House, the question is proposed, debated, put by the chair and voted upon. The decision of a committee is decided by the majority of those voting on the question. Generally, the chair will ask if the members are ready for the question and, if it is evident that debate has concluded and no member wishes to speak, the chair will put the question to the committee for a decision. The chair may ask if the committee agrees with the question. If there are no objections, the chair will say "carried." If there is any objection, the chair will ask those for and those against the question to say "yea" and "nay." The chair assesses the voice vote and declares the question carried or lost, as the case may be. A show of hands may be used as an alternative to a voice vote. There is no provision for a recorded division in a committee.

MEETINGS

Committees conduct the deliberations and make decisions within the framework of meetings. In order to accommodate the wide variety of subjects that a committee may be called upon to consider, considerable latitude is permitted in the format that committee meetings may take. At the same time, there are a number of rules and practices by which committees are bound in transacting their business.

The meeting room itself is most often arranged in an open-rectangle configuration for committee seating. The chair (and vice-chair in the case of the Standing Committee on Public Accounts) sits at one end, with the clerk of the committee to his or her right-hand side. Government members and opposition members are seated to the right and left of the chair. Witnesses are seated at the far end of the rectangle opposite the chair. Members of the public and the press are seated at the rear of the room behind the witnesses.

Committee meetings are ordinarily open to the public and the media.

Most committee meetings can be described as evidence-gathering meetings. They traditionally commence with presentations made by witnesses, followed by a question and answer period during which committee members have the opportunity to explore selected aspects of an issue in greater detail.

MINISTERS OF THE CROWN

Members of Executive Council (the cabinet) may not serve as members of the Standing Committee on Public Accounts. In fact, they are prohibited from attending any meetings of the Standing Committee on Public Accounts, except as witnesses before the committee. This means that ministers may not be in the room during a committee meeting, except during the time they are appearing as witnesses.

When Ministers appear as witnesses before any committee, they are in the same position as any other witness. They can be compelled by the Assembly to testify on any issue, answer any question or produce any document. In short, the doctrine of crown privilege yields to the doctrine of parliamentary supremacy. This can lead to a situation where the need of the Executive to prevent disclosure in order to function clashes with the supremacy of the legislature. If these situations cannot be settled by political compromise, then the legislature will be the ultimate decision-maker in terms of compelling the production of the information.

MOTIONS

Every matter is determined in committee upon a question put by the chair, on a proposal submitted by a member, and resolved in either the affirmative or negative as the case may be. This proposal, called a motion, is for the committee to do something, or order something to be done or express an opinion with regard to some matter.

Motions may be moved only by members or substitute members of the committee who have properly obtained the floor and must commence with the words, "I move that ..."

Seconders are not required. The mover is then given an opportunity to outline briefly the proposal prior to discussion by the rest of the committee.

Motions must not contain any unparliamentary language, criticism of the Sovereign, must not be contrary to the rules of the House, or the practices and precedents of the House, and they must not deal with substantive subject matter that has been previously decided in the same session.

Every motion that is duly moved is placed before the committee by the chair as a question for the decision of the committee. A motion may be debated, amended, superseded, adopted, negatived, or withdrawn, as the committee may decide.

Notice of motions is not normally required.

There can be only one question before the committee at any one time.

Committee members are not limited in the number of times they may speak to a motion.

The previous question may not be moved in committee.

NOTICE OF MOTION

Neither the rules of the Legislative Assembly nor the usual practice in committees requires the giving of notice prior to presenting a motion in committee. Committees are free, however, to adopt notice requirements in order to better balance their workload and make efficient use of their time. Thus when a member wishes to raise a new topic for consideration, committee members may have an opportunity to reflect on it beforehand, rather than having the motion placed before the committee without warning.

NOTICES OF MEETINGS

Members, staff, media and the public are notified by the committee clerk when a committee meeting has been scheduled.

A notice, issued not less than a day prior to the meeting, is delivered to committee members via email, and/or fax, and a copy is put on their desks in the chamber if the House is sitting. Staff are notified by email.

The notice is also posted in the anteroom of the chamber for the information of all members. It is sent by email to Island Information Services who, in turn, email and fax it to a list of media representatives. Finally, the notice is posted on the committees' section of the Legislative Assembly website for the public in general.

The notice for an in camera meeting is not sent to the media or posted on the website.

The Standing Committee on Legislative Management does not need to comply with notice requirements.

PARTICIPATION BY NON-MEMBERS OF A COMMITTEE

Any member of the House may attend committee meetings, question witnesses (at the discretion of the committee), and generally participate in the committee's public meetings. There are restrictions placed upon the member: he or she may not vote, move motions or be part of a quorum.

Members who are not part of the committee generally do not participate in the deliberations concerning the committee's report to the Legislative Assembly. The committee may ask them to leave an in camera meeting called for the purpose of considering its draft report, but it has no authority to exclude them. Likewise, when the committee, by motion, feels it is appropriate to hear evidence in private, non-members usually do not attend. It has occurred, however, at the discretion of the committee, that non-members have remained during in camera sessions.

If the members refuse to leave, the committee has two choices: it can adjourn its meeting or report the matter to the House

The prohibition against Ministers attending the meetings of the Standing Committee on Public Accounts takes priority over the provisions of this rule.

POINTS OF ORDER

Questions of order relate to the interpretation of the rules of procedure and may be raised for the purpose of calling attention to departures from the rules or from customary ways that the committee has conducted its business. They should be raised promptly before the question has passed to a stage where the objection would be out of place.

The chair cannot decide on hypothetical questions of order.

The chair may give a decision immediately or may permit debate on a point of order before giving a decision. Such debate is to assist the chair in making his or her decision and must be strictly relevant to the point of order. The chair may also reserve a decision to a future date.

Things that are NOT points of order:

- not liking what a member has said (unless parliamentary procedure has been contravened; for example, using language or words offensive toward the House or any member)
- correcting the record
- objecting to the length of time a member is speaking
- providing information or clarifying someone's statement
- asking questions
- moving a motion

If a member wishes to do any of the above, he or she must properly have the floor.

Examples of things that constitute VALID points of order:

- interrupting a member
- speaking in a language other than English or French
- speaking to a question other than that under discussion
- persisting in needless repetition
- anticipating any matter already on the Order Paper
- making allegations against another member
- imputing false or unavowed motives to another member
- charging another member with uttering a deliberate falsehood
- using abusive or insulting language of a nature likely to create disorder
- debating a motion to adjourn
- lack of quorum

PRESENTATION OF A COMMITTEE REPORT TO THE HOUSE

Usually, the chair of a committee presents its report to the House under the ordinary daily routine called “reports by committees.” However, it is permissible for another member of the committee to do so, provided that the written report has been signed by the chair.

There are two motions made by the member presenting the report. The first motion is that the report be received and lie on the table. This is not a debatable motion and the Speaker puts the question immediately. If the motion is carried, the member then moves that the report be adopted by the House. The member opens debate by giving the House information on the committee’s activities, as well as its opinions, recommendations, and conclusions. This motion is debatable and any member may speak to it. The motion may be amended during this debate as follows: the report may be amended by the House, or referred back to the committee for further examination and report, or referred back to the committee with instruction to amend it in any particular. The House can reject the adoption of the report by defeating the motion for adoption.

The report may also be referred to a Committee of the Whole House for its consideration and report. Any member may move that a report of a committee be referred to a Committee of the Whole House for its consideration, which provides an opportunity to every member of the House for full discussion and debate. This is an independent proposal made following the motion that the report of the committee be

received, and according to the provisions of Rule 47 of the Legislative Assembly, requires one clear day's notice.

Until the House makes a determination concerning the adoption of a committee report, the report cannot be considered final, because it may be rejected, amended by the House itself, referred back to the reporting committee with instructions for further examination and report, or, indeed, with specific instructions to amend it in any particular. The report may also be referred to a Committee of the Whole House for further debate.

PREVIOUS QUESTION

The previous question may not be moved in committee.

The motion "That this question be now put" is referred to as the previous question. Its purpose when moved and debated in the House is to achieve one of two possible objectives: either to prevent any amendment to the main motion and force a direct vote on it, or to delay a vote on the main motion by prolonging debate.

The moving of the previous question is prohibited in committee, given that members should not be prevented from proposing amendments and considering each question to the fullest extent possible.

PRIVILEGE

Parliamentary privilege is the sum of the rights extended to members individually: freedom of speech; freedom from arrest in civil actions; exemption from jury duty; exemption from attendance as a witness; and the rights and powers of the House: the power to discipline; regulation of its own internal affairs; authority to maintain the attendance and service of its members; the right to administer oaths to witnesses; the right to publish papers containing defamatory material.

Privilege is invoked when the ability of the House has been obstructed in the execution of its functions or where members have been obstructed in the performance of their duties.

No member may raise a question of privilege or a point of order when a vote is being taken.

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.

When a committee sits in camera its proceedings are protected by privilege. Any publication of its proceedings, either in written or verbal form, is an offense.

The chair of a committee does not have the power to decide questions of privilege; this can only be done by the House upon receiving a report from the committee.

PROCEDURAL AUTHORITIES

On matters of parliamentary procedure, the clerk of the committee is the principal advisor to the chair and all members of the committee. In responding to questions, the clerk would normally consult the following:

Annotated Standing Orders of the House of Commons. 2nd ed. Ottawa: House of Commons, 2005;

Fraser, Alistair; Dawson, W.F.; and Holtby, John A. Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents. Toronto: The Carswell Company Limited, 1989;

Legislative Assembly of Prince Edward Island. Rules of the Legislative Assembly of Prince Edward Island Charlottetown: Queens Printer, November 2010;

O'Brien, A. and Bosc, M., eds. House of Commons Procedure and Practice. 2nd ed. Ottawa: House of Commons, 2009;

as well as past rulings by committee chairs, Speakers' decisions and practices usually followed in committees.

PROCEDURAL FREEDOM

Committees should remain masters of their own procedure and the Speaker should not exercise procedural control over the committees.

Procedural difficulties which arise in committees ought to be settled in the committee and not brought to the House.

PROTECTION OF WITNESSES

Traditionally, the chair of a committee has the responsibility of protecting witnesses from unfair criticism or attack because such persons have no right or means by which to defend themselves.

PUBLIC MEETINGS

Usually, the public and the media are welcome to attend and observe the meetings of committees. The committees most often meet in the Pope Room of the Hon. George Coles Building (Richmond Street, Charlottetown) which is equipped with all the facilities required for hearings and presentations and can accommodate approximately 50 observers.

Occasionally, a committee may travel and hold public meetings in communities throughout the province.

A committee retains the right to sit in private and may do so to allow members to feel free to negotiate, discuss, deliberate and, sometimes, compromise without the glare of publicity.

PUBLICATION OF A COMMITTEE REPORT

Reports to the House can take a variety of formats depending on the subject matter under consideration and the conclusions which the committee has reached. In general, each report will cite the order of reference under which the study was made, outline the issues dealt with and may include references to appropriate portions of the submissions the committee has received, both oral and written. As well, the report will list the regular and substitute members of the committee, outline the activities of the committee, and put forward the committee's opinions and recommendations. Appendices are usually included, listing the witnesses heard and the briefs submitted during the course of the study. All reports are posted in electronic format on the committees' section of the Legislative Assembly web site.

Prior to its presentation in the House, it is a breach of privilege for anyone to publish or make reference to the content of a committee report. In fact, when a matter is under consideration by a committee and it has not reported to the House, no allusion or reference to its proceedings should be made. The committee is provided with the protection of privilege and no one may publish or make reference to the contents of its report prior to it being received by the House. To do so could provoke a ruling by the Speaker of a prima facie breach of privilege.

QUESTION OF PRIVILEGE OR POINT OF ORDER DURING A VOTE

When a vote is being taken, other proceedings of a committee are suspended, which precludes any attempts to raise a point of order or a question of privilege. Likewise, no further matters of debate can be raised on the question on which the members are voting.

QUESTIONS TO WITNESSES

Acting within its order of reference, a committee is not restricted in the scope of questions it can pose and a witness must answer all questions. However, questions should:

- be pertinent and relate to the committee's terms of reference
- not be purely hypothetical or based on conjecture extraneous to the situation actually under study by the committee
- not be leading questions so formulated as to induce a witness to give the desired answer
- not be of such a nature as to provoke a debate that would be futile in view of the objectives pursued by the committee
- not seek to obtain hearsay evidence by asking a witness to relate facts of which he or she does not have personal knowledge and of which better proof is possible
- not be repetitive and seek information that a witness has already clearly given

- not strive to intimidate or offend a witness but should rather to be couched in respectful language
- not be detrimental to a witness's fundamental rights
- not open the way to evidence relating to a matter that is sub judice unless it is absolutely necessary to do so

QUORUM

A quorum is the minimum number of committee members, including the chair, who must be present in order for a committee to make decisions. A simple majority of members of a committee constitutes a quorum. Members of the House who are present at committees are not counted as part of the quorum unless they are either members of the committee or properly designated substitutes. As a courtesy, a chair may delay the start of a meeting for a few minutes until at least one member of the opposition is present, even if quorum exists. However, committees may meet and adopt motions in the absence of opposition parties if a quorum is present.

An apparent lack of quorum may be brought to the chair's attention only by a member or substitute member of the committee. If quorum is not present, the chair may suspend the proceedings of the committee for a brief period in order to permit quorum to be re-established. If it is not possible to obtain a quorum, the committee is adjourned until its next scheduled meeting.

RECESS

As one of the principal functions of a chair is to maintain order and decorum in a committee, a chair might find it necessary or desirable to recess a committee for a variety of reasons, for example, to consider a ruling, to allow a motion made orally to be printed, or to allow for audio-visual equipment to be set up for a presentation. In this case, the chair simply states that the committee is in recess and the time at which it will reconvene.

Where the committee considers it appropriate in the circumstances, it may agree to recess either for a set amount of time, until a certain time or until a condition has been met. Examples might include recessing until a witness or papers essential to the committee arrive. The chair would ask if there is unanimous consent to recess, and if consent is given, would state the time at which the committee will reconvene.

Finally, a member may move a motion that a committee recess for a specific amount of time or until a certain time (note that the committee must reconvene in its present sitting, otherwise the motion would properly be an adjournment motion). The chair would ask if there is any debate on the motion, following which the question would be put and voted upon. If carried, the chair would recess the meeting until the time specified to reconvene.

RECORDINGS AND TRANSCRIPTS OF MEETINGS

An audio recording is made of committee proceedings, transcribed, edited, and distributed to committee members. Transcripts of public meetings are posted to the committees' section of the Legislative Assembly website.

Recordings and transcripts of in camera meetings are restricted to the committee membership only.

With unanimous consent, a committee may choose to not record a meeting. This might occur, for example, when very sensitive testimony is being delivered at an in camera meeting.

The Standing Committee on Legislative Management does not record its meetings.

REPORTS

The power to report their findings to the House is essential to the role of committees. The rules of the Legislative Assembly provide committees with the power to report from time to time, enabling them to report to the House as often as they see fit.

All reports of committees shall be in writing and signed by the committee chair only. Oral reports are not acceptable; only written reports may be made to the House. Further, the report is to be signed by the chair by way of authentication on behalf of the committee. Therefore, the chair must sign the report even if dissenting from the majority of the committee.

It is the opinion of the committee, as a committee, and not that of the individual members, which is required by the House, and failing unanimity, the conclusions agreed to by the majority are the conclusions of the committee. Dissenting opinions or recommendations may not form part of a committee's report, nor form a separate minority report, nor be tabled in the House. A committee may include in its report contrary evidence it has received from witnesses but its recommendations and conclusions presented to the House must be those of the majority of committee members.

Any committee authorized to meet intersessionally, that is, after prorogation, must make a report to the House within 10 sitting days of the commencement of the new session.

RESPONSE BY GOVERNMENT TO A COMMITTEE REPORT

Government is required to respond to committee reports. Those committees reporting their intersessional activities are to receive a response sometime during the session. Committees reporting during the session are to receive a response during the following session, meaning that the obligation by government survives prorogation. The nature of the response is left to the discretion of government.

RESPONSIBILITIES OF THE CHAIR

The chair is responsible for maintaining order and decorum in committee meetings.

He or she presides over the deliberations in committee, recognizing speakers and ensuring that the proceedings adhere to established practices and rules. The chair also puts the question on all motions before the committee and announces the results of a vote.

Reports to the House from the committee are signed by the chair. In most cases, the chair also presents the committee's report to the House.

Chairmen often assume a leadership role in planning and co-ordinating the committee's work and in conducting its investigations.

The chair does not have the power to censure disorder or decide questions of privilege; this can be done only by the House upon receiving a report from the committee.

As the presiding officer of the committee, the chair does not move motions.

Furthermore, the chair does not vote except in two situations: when considering a private bill, the chair of the Standing Committee on Privileges, Rules and Private Bills may vote; and in all cases where there is an equality of votes, the chair has a casting, or deciding, vote.

RIGHTS OF WITNESSES

The Nova Scotia House of Assembly has a prepared statement which is read to witnesses which summarizes their rights and responsibilities in giving testimony to a committee. It reads:

Nothing that you say to us here today can form the basis nor support a cause of action, either civil or criminal. You are protected from interference, threats or legal proceedings on account of what you may say or do before this Committee. No evidence that you give as a witness before this Committee may be used against you or any other person in any other place without the permission of the House of Assembly except that, if false evidence is given by you under oath or solemn affirmation, you may be charged with perjury. You may be required to give your evidence under oath or solemn affirmation. You are bound to answer all questions that this Committee sees fit to put to you. If you are unwilling to answer a question, you may, after stating the reason for desiring to be excused from answering, appeal to me as Chair of this Committee as to whether, in the circumstances and for the reason stated, an answer should be given. If you are not excused from answering, you may request that the whole or a part of your evidence be given in camera and not published and the Committee will give consideration to your request

RULES OF DEBATE

In contrast to the procedure in the House, members may speak more than once to a question. There is no limit to the number of times a member may speak.

During debate, no member shall speak disrespectfully of the Queen, any member of the Royal Family, the Governor General of Canada, the Lieutenant-Governor or the Administrator of Prince Edward Island. No member shall use language or words offensive toward the House or any member.

Disrespectful or offensive language must not be used in debate. The first prohibition applies specifically to objectionable language toward the Sovereign, the Royal Family, the Governor General of Canada, and the Lieutenant-Governor or Administrator of the province. By their rank and position they are entitled to respect from members. This protection against disrespectful references is extended to the House as a whole and to all members. What is unacceptable depends largely on circumstances, and it is impossible to provide a complete list of unparliamentary words or phrases, but personal attacks, insults, obscene language or questioning a member's integrity, honesty or character are not in order. Language used in committee proceedings should be temperate and worthy of the place in which it is spoken.

No member shall speak beside the question in debate. The freedom of debate enjoyed by all members allows each member full liberty to state whatever may help the committee come to a decision on the question. Unfortunately, members sometimes wander from the question and make comments and declarations which are irrelevant. The danger is that time is wasted, the question becomes confused and the committee may be prevented from reaching a decision. Members are prohibited from straying off the topic under debate which safeguards the committee's right to reach a decision.

During debate, members are not allowed to interrupt the member speaking, unless it is to raise a point of order or privilege. At the same time, the chair may turn a blind eye to incidental interruptions. Debate is not conducted in complete silence; however, excessive interruptions are swiftly curtailed, particularly when the member speaking requests the assistance of the chair.

SCHEDULING WITNESSES DURING A MEETING

When calling witnesses, the chair may welcome them and briefly advise them on the process the committee has laid out for presentations. The chair should ask the witnesses to introduce themselves. It is important that all speakers are identified so that members know who the presenters are and for the purpose of Hansard. If it is apparent that a witness will run out of time prior to completing his or her presentation, the chair may interrupt the witness to advise that time is running out and ask for a summary of the presentation. It is important that the chair following the agreed-upon time frame for witness presentations and subsequent questions from committee members.

SECONDING OF MOTIONS

No seconding of motions is required in committee.

SENDING FOR PERSONS, PAPERS AND RECORDS

A committee has the full authority to summon and compel the attendance and testimony of any person, and to summon and compel the production of any document and record. These powers are virtually unlimited.

The procedure for obtaining papers and records is for the committee to adopt a motion ordering the required persons or organizations to produce them. If this order is not complied with, the committee may report the matter to the House, stating its difficulties in obtaining the required documents. It is then for the House to decide what action is to be taken.

A similar procedure is followed in summoning and compelling the attendance and testimony of a witness. The committee adopts a motion to summon the person. A warrant or summons, detailing the time and date of the hearing and the subject matter under investigation, is signed by the chair of the committee, and served on the individual. If the summons is not complied with, the committee may report the matter to the House. It is for the House to decide what remedial action is to be taken. Disobedience to a summons is a very serious matter and may lead to punishment for contempt of the House.

It is unusual for a committee of our House to issue a formal summons to appear. In most instances, an intended witness will respond favourably to a verbal or written request issued on the instructions of the committee by the clerk of the committee.

SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY

Special committees are appointed by the House to carry out specific inquiries, studies or other tasks which the House judges of special importance. Each special committee is created by means of a motion agreed to by the House which defines the committee's mandate and usually lists other provisions: its membership and deadline for submitting its final report, for example. The actual terms of the motion vary from case to case, to suit the specific task for which the committee is being established.

Special committees cease to exist with the adoption of their final report.

STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY

Standing committees are permanent committees established by the rules of the Legislative Assembly. They are mandated by the House to oversee a government department or departments, to review particular areas of policy or to exercise administrative and financial responsibilities related to the Legislative Assembly. As well as the permanent mandate provided to standing committees by the rules, other matters may be referred to them by the House for examination. Finally, committees may, by majority decision, examine and inquire into such matters and things as the committee deems appropriate.

The eight Standing Committees of the Legislative Assembly are the:

1. **Standing Committee on Legislative Management** to be composed of the Speaker (as chair), the Deputy Speaker (or designate), Government House Leader (or designate), Government Caucus Chair (or designate), Leader of the Official Opposition (or designate), Opposition Caucus Chair (or designate), Leader of the Third Party (or designate).

The Standing Committee on Legislative Management has a substantial mandate. It is responsible for all matters of financial and administrative policy affecting the Legislative Assembly. The Speaker presides at its meetings, and all recognized parties in the House are represented.

2. **Standing Committee on Agriculture, Environment, Energy and Forestry** with said committee charged with matters concerning agriculture, the environment, energy and forestry.
3. **Standing Committee on Community and Intergovernmental Affairs** with said committee charged with matters concerning community and cultural affairs, labour and justice, intergovernmental affairs and the constitution of Canada.
4. **Standing Committee on Education and Innovation** with said committee charged with matters concerning education, higher learning, and economic development.
5. **Standing Committee on Fisheries, Transportation and Rural Development** with said committee charged with matters concerning fisheries, transportation and rural development.
6. **Standing Committee on Health, Social Development and Seniors** with said committee charged with matters concerning health, social development and seniors. Pursuant to Section 16 of the Human Rights Act the committee is responsible for recommending to the Legislative Assembly persons to serve on the Prince Edward Island Human Rights Commission.
7. **Standing Committee on Privileges, Rules and Private Bills** with said committee charged with matters concerning the rules and privileges of the Legislative Assembly, private bills, and empowered to sit when the House is not in session.
8. **Standing Committee on Public Accounts** with said committee charged with matters concerning the public accounts of the province and the annual report of the Auditor General.

SUBJECT MATTER FOR COMMITTEE INVESTIGATIONS

The role of committees is to examine selected matters in greater depth than is possible in the House and to report any conclusions of those examinations, including recommendations, to the House.

Committees are empowered to examine anything that has been referred to them by the House; this is called their order of reference.

Certain committees have permanent orders of reference set out in the rules of the Legislative Assembly or in legislation. For example, the Standing Committee on Public Accounts is charged with matters concerning the Public Accounts of the Province and the annual report of the Auditor General; and the Standing Committee on Social Development is responsible for making recommendations to the Legislative Assembly concerning appointments to the Prince Edward Island Human Rights Commission.

In addition, a standing committee may, by majority decision of its members, investigate any subject as it deems appropriate, limited only by its assigned authority. For example, the Standing Committee on Agriculture, Forestry and Environment may inquire into any matters concerning agriculture, forestry and the environment.

A special committee cannot expand its mandate and is limited by its order of reference from the House.

SUBSTITUTIONS

Substitutions, or temporary changes in membership, happen on a frequent basis. The procedure is that the leader of the party involved (the Premier or the Leader of the Opposition) will file a letter with the chair of the committee. The letter sets out the name of the substitute member and the time period of the substitution. The change is effective immediately. Substitute members are considered to be on equal footing with permanent members during the period of substitution. Substitutions are reported to the House in the committee's next report on its activities.

SUMMONING OF WITNESSES

Most witnesses appear before a committee after being invited to do so, such an invitation being issued on the committee's behalf through the clerk of the committee. Committees only rarely use their power to summon people. However, should a witness refuse an invitation, the committee then may decide by motion to summon the witness to appear. Although the committee can technically do so without first issuing a simple invitation, in practice such an approach is not normally used.

SWEARING-IN OF WITNESSES

Most committees spend the majority of their time hearing the opinions or experiences of witnesses and seeking their advice or recommendations. This may explain why witnesses are not often heard under oath or affirmation. Nevertheless, any witness appearing before a committee may be required to take an oath or make a solemn affirmation.

An oath or affirmation may be administered when the committee is functioning in an investigative manner and wishes to impress upon witnesses the serious nature of the proceedings.

The decision as to the swearing-in of witnesses is entirely at the discretion of the committee.

The forms of the oath and affirmation are as follows:

Oath:

The evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help you God.

Affirmation:

I, _____, do solemnly, sincerely and truly affirm and declare the taking of any oath is according to my religious belief unlawful, and I do also solemnly, sincerely and truly affirm and declare that the evidence I shall give on this examination shall be the truth, the whole truth and nothing but the truth.

UNPROVIDED CASES

In the conduct of business, when a question of procedure arises which was not foreseen or provided for in the rules of the House, or other orders of the House, the chair is to base a ruling on the usages, forms, customs and precedents of the Canadian House of Commons, as they could be applied to the committees of this House.

USE OF PROPS

The less formal environment of a committee leaves room for the use by witnesses of what might otherwise be considered to be props (for example, displays or illustrations). It is appropriate for the chair to permit reasonable latitude in the use of props if they are intended to convey information to the committee in a respectful and unprovocative manner.

The use of overhead, slide, video or other like presentations is permitted.

WITHDRAWING A MOTION

Once debate has commenced on a motion, the member moving it may withdraw the motion with the unanimous consent of the committee.

WITNESSES

A witness is a person or a group appearing before the committee to present views or opinions on the issue under study. By participating in the process, witnesses provide the committee with valuable insight, observations and opinions.

Committees regularly invite private individuals, experts, representatives of groups and organizations, public servants and ministers of the Crown to appear before them in order to elicit information relevant to the subject under consideration. The committee by majority decision decides which witnesses it wants to hear. As well, committees often advertise in the daily and weekly newspapers across the province seeking input and hearing from all interested parties.

Witnesses providing testimony before a committee of the Legislative Assembly are entitled to the parliamentary privilege of freedom of speech whose source is the Bill of Rights of 1689 (which states that the freedom of speech and debates or proceedings in parliament ought not to be impeached or questioned in any court or place out of parliament). This means that the evidence provided to the committee may not be used against the witness in a legal proceeding.

Acting within its order of reference, or its inquiries as determined by majority decision, a committee is not restricted in the scope of questions it can pose. A witness must answer all questions of the committee, subject only to points of order by a member of the committee that a question should not be permitted. Witnesses cannot excuse themselves on the grounds that they may be subject to a civil action, or that they have taken an oath not to disclose the matter, or on the grounds that they had been advised that they might incriminate themselves.

The vast majority of witnesses appear without legal counsel. However, witnesses may ask the permission of the committee to be assisted by their legal counsel and it is up to the committee as to whether this will be allowed. In general, when committees permit counsel to appear with witnesses in committee proceedings, counsel are allowed to act in an advisory capacity only. Counsel do not have the right to examine or cross-examine witnesses or to make submissions on behalf of their clients.

Glossary of Parliamentary Terms

Act (statute): a bill passed by the Legislative Assembly and given Royal Assent is then known as a statute or act.

Address in Reply to the Speech from the Throne: a formal message expressing thanks to the Sovereign for the Speech from the Throne, adopted after debate dealing with various aspects of the government's plans.

address for papers: a written motion requesting factual information concerning the operations of government.

adjournment of debate: a procedure which, if agreed to, suspends debate on the subject being considered until a subsequent sitting of the House.

amendment: an alteration proposed to a motion, a stage or clause of a bill, or to a committee report. It may attempt to present an improvement to the proposition under consideration or to provide an alternative to it.

appropriation bill: a bill introduced by the Provincial Treasurer requesting the Legislative Assembly approve the government's spending of public funds.

Auditor General: an officer of the Legislative Assembly who conducts independent audits and examinations that provide objective information, advice and assurance to the Legislative Assembly.

backbencher (private member): a member of the Legislative Assembly who is not a cabinet minister.

bill: a proposed law submitted to the Legislative Assembly for its approval. It may originate either with the government or with a private member.

black rod: a ceremonial baton the Sergeant-at-Arms carries when accompanying the Lieutenant Governor on such occasions as Royal Assent or the Speech from the Throne. When so engaged, the Sergeant-at-Arms is referred to as the Gentleman Usher of the Black Rod.

breach of privilege: an infringement of one of the specific privileges of the House or its members which prevents them from carrying out their functions.

budget: the government's statement of its fiscal, economic and social policies. Usually presented in the spring sitting of the Legislative Assembly.

budget debate: a debate on a motion approving the government's budgetary policy.

budget speech: a presentation made in the House by the Provincial Treasurer introducing the government's plans concerning fiscal, economic and social policy.

cabinet (Executive Council, the government): the executive branch of government, led by the Premier, and chosen from elected members of the party holding the majority of seats in the Legislative Assembly.

cabinet ministers (ministers): members of Executive Council, responsible to the Legislative Assembly for their official acts and those of their departments.

casting vote: the deciding vote accorded to the Speaker (or in committee, to the Chairman) in the event of a tie. The Speaker or Chairman traditionally votes so as to keep the issue before the House or the committee.

chair: 1) the position of authority held by the Speaker or the Chair of Committee of the Whole House; or 2) the member selected as the presiding officer of a committee. The Chairs of standing and special committees are elected by the committee members.

chamber (floor of the House): the area where the Legislative Assembly meets; within the hall.

Clerk: the chief procedural advisor to the Speaker and to members of the Legislative Assembly. The Clerk, a Table Officer, is responsible for a wide range of administrative and procedural duties relating to the work of the Legislative Assembly and its committees.

Clerk Assistant and Clerk of Committees: the Table Officer responsible for assisting the Clerk, and acting as administrative officer and advisor on parliamentary procedure to a committee.

committee: a body of members selected to consider such matters as the House may refer to it or empower it to examine, or who may, by majority decision, meet to examine and inquire into such matters and things as the committee itself deems appropriate.

Committee of the Whole House: all of the members of the Legislative Assembly sitting as a committee. Presided over by a Chair rather than by the Speaker.

Committee on Committees: a committee charged with preparing lists of members to serve on the various standing committees of the House.

committee stage of a bill: detailed study of the clauses of a bill by a Committee of the Whole House after second reading. This stage is where amendments may be proposed to specific provisions of the bill.

contempt: disobedience to, or defiance of, an order of the House, or some other insult to the House or its dignity or a breach of parliamentary privilege. It can relate to any attempt to interfere with proceedings or to obstruct or threaten members in the performance of their parliamentary duties.

Crown: Her Majesty the Queen in her role as head of state, represented in Canada by the Governor General and, provincially, by the Lieutenant Governor.

debate: formal discussion according to established procedure on a motion presented in the House.

debatable motion: a motion which, because of its substantive nature or procedural importance, is subject to debate before being put to a vote.

Deputy Speaker: title given to the member elected by the members at the beginning of every general assembly. The Deputy Speaker is Chairman in Committee of the Whole House on supply; and replaces the Speaker when the latter is unavoidably absent.

dissolution: to bring a general assembly of the Legislative Assembly to an end. Followed by a general election.

district: an area entitled to return a member to represent it in the Legislative Assembly. During debate, members are identified by their electoral district, rather than by their own names. There are 27 electoral districts in the province.

division: a vote; the dividing of the members into the yeas and the nays in order to reach a decision.

enacting clause: a short paragraph preceding the sections of a bill which indicates the authority by which it is made. It reads, "BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:."

estimates (main estimates, supplementary estimates): the government's departmental spending plans. Consideration of the estimates is a major component of the work of the Legislative Assembly and is done in Committee of the Whole House.

Executive Council (cabinet, government): the executive branch of government, led by the Premier, and chosen from elected members of the party holding the majority of seats in the Legislative Assembly.

first reading: introduction of a bill. First reading immediately follows the granting of leave to introduce the bill in the House. Its purpose is to allow the bill to be distributed to all members and made generally available for the information of the Legislative Assembly and the public.

floor of the House: a term used to describe the area in the chamber occupied by members of the Legislative Assembly. It is enclosed by a rail and is where the business of the House is conducted.

galleries: areas in the House set aside for the public, the media and distinguished visitors.

general assembly: the period during which the Legislative Assembly exercises its powers between general elections.

general election: an election following dissolution at which members are selected for every district.

Gentleman Usher of the Black Rod: the Sergeant-at-Arms when accompanying the Lieutenant Governor on such occasions as Royal Assent or the Speech from the Throne, and carrying the black rod.

government (cabinet, Executive Council): in the parliamentary sense, the cabinet or Executive Council, led by the Premier. To remain in office, the government must have the support of a majority of members in the Legislative Assembly.

government bill (public bill): a proposed law introduced by a minister and concerned with financial provisions and public policy.

government business: any bill or motion introduced in the House by a minister.

government motions: the order of business that provides opportunity for the Legislative Assembly to debate and support government initiatives.

Hansard: the transcript of the proceedings of the Legislative Assembly. It is a written account of what members actually say in the House. Printed under the authority of the Speaker of the Legislative Assembly, Hansard is substantially, though not strictly, verbatim, Latin for “exactly as said.”

House: the Legislative Assembly during a sitting; also used to refer to the physical area of the chamber.

house leader (government house leader, opposition house leader): the member of a caucus responsible for managing its business in the House.

***in camera* meeting:** from the Latin phrase meaning “in private chamber,” a meeting from which the public is excluded. The House begins each sitting day *in camera* for the reading of prayers and approval of the daily journal for the penultimate (last-but-one) sitting day.

Journal: the minutes of House proceedings; the official record of House proceedings for a session, issued in bound form. The daily journal for the penultimate (last-but-one) sitting day is approved each day by the members of the Legislative Assembly.

Leader of the Official Opposition (Leader of the Opposition): the member chosen to lead the party holding the second largest number of seats in the House.

legislation: the laws enacted by the authority of a legislative body.

Legislative Assembly: a lawmaking body of elected representatives consisting of 27 members.

Legislative Counsel: a division of Legal and Judicial Services responsible for drafting bills and regulations.

legislature: consists of the Lieutenant Governor and the Legislative Assembly. Each general election results in a new legislature.

Lieutenant Governor: the representative of the Crown in the province, appointed by the Governor-General-in-Council for a term of five years.

mace: a large, ornamental staff which is the symbol of authority of the Legislative Assembly. When the Speaker takes the chair, the mace is placed on the Table by the Sergeant-at-Arms to signify the House is in session.

main estimates (estimates): the government's departmental spending plans. Consideration of the estimates is a major component of the work of the Legislative Assembly and is done in a Committee of the Whole House.

member of the Legislative Assembly (MLA, member): a person who is elected to represent a provincial electoral district. Candidates usually belong to an organized political party, but may also run in an election as independent candidates.

messages: formal communications between the Lieutenant Governor and the Legislative Assembly that accompany estimates and money bills.

minister (cabinet minister): a member of the Legislative Assembly who is a member of Executive Council.

ministerial statement: a short factual announcement or statement of government policy, presented in the House during the ordinary daily routine by a minister.

ministry: a cabinet minister's area of responsibility, or portfolio, and the people who work for the department. The minister, as head of the department, is a member of Executive Council.

motion: a proposal made for the purpose of eliciting a decision of the House. In order to be placed before the House for consideration, a motion must be moved and seconded.

motions other than government: the order of business dealing with motions proposed by private members.

mover: a member presenting a motion in the House or one of its committees.

notice of motion: notice of a member's intention to introduce a motion, bill, written question or resolution printed on the order paper.

notice of motion paper: a document published daily when the House is sitting which contains all notices of motions which ministers and private members may wish to bring before it. The notice of motion paper appears at the back of the order paper.

oath of allegiance: an oath of loyalty to the Sovereign, sworn by a member before taking his or her seat in the Legislative Assembly.

officers: the officers of the House are the Clerk, the Clerk Assistant and Clerk of Committees, and the Sergeant-at-Arms.

official opposition: the party holding the second largest number of seats in the House. It presents itself as an alternative to the government of the day.

oral question period (question period, questions by members): a daily 40-minute period in the House during which oral questions may be addressed to ministers.

order: a decision of the House giving direction to its committees, members, or officers, or regulating its own proceedings.

order of reference: an order of the House to a committee instructing it to consider some matter or defining the scope of its deliberations.

order paper: the official agenda of the House, published for each sitting day, listing all items that may be brought forward on that particular day.

orders of the day: items of business placed on the agenda of the House (the order paper).

ordinary daily routine: the daily business of the House that occurs at the start of each sitting day. It includes prayers, approval of the daily journal for the penultimate (last-but-one) sitting day, matters of privilege and recognition of guests, statements by members, questions by members, statements by ministers, presenting and receiving petitions, tabling of documents, reports by committees, and introduction of government bills.

out of order: contrary to the rules of parliamentary procedure.

page: a high-school student employed by the House to carry messages, deliver documents and run other necessary errands for members in the chamber during sittings of the House.

parliamentary procedure: the rules by which the House conducts its business, based on statutes, rules, authoritative procedural works, precedents and tradition.

passage of a bill: the process by which a bill becomes law.

personal privilege: the rights and immunities enjoyed by a member, necessary for carrying out parliamentary duties. They include: freedom of speech in the House and its committees, freedom from arrest in civil cases, exemption from jury duty and appearance as a witness; and, generally, freedom from obstruction and intimidation.

petition: a request to the Legislative Assembly for some action, presented to the House by a member.

point of order: a question raised by a member with respect to any departure from the rules or customary procedures, either in debate or in the conduct of House or committee business.

portfolio: the responsibilities of a cabinet minister, especially the subject matter or government department with which he or she is charged.

prayer of a petition: that part of a petition in which the petitioners present their request for some action. The prayer must be clear, respectful, and the action requested must be within the jurisdiction of the Legislative Assembly.

prayers: at every sitting of the House, the Speaker reads three prayers before any business is entered upon. No one is admitted to the galleries until the reading of the prayers is completed.

previous question: a debatable motion preventing any further amendment to the motion or bill before the House.

prima facie (breach of privilege): a Latin phrase meaning “at first sight.” A prima facie case is a case or statement which, without minute examination into its merits, seems plausible and correct. The House is asked to deal with an alleged breach of privilege only when it appears to the Speaker to be prima facie, or evident on first impression.

private bill: relates to matters of particular interest or benefit to a person or persons or a public company or corporation. Introduced by a private member; and may not be sponsored by a minister except in cases affecting municipalities.

private member (backbencher): a member of the Legislative Assembly who is not a cabinet minister.

private member’s bill: a bill promoted by a member who is not part of the executive.

privilege: the rights and immunities enjoyed by the House collectively and by each member individually without which members could not carry out their duties and the House could not fulfill its functions. The rights and immunities accorded to individual members are freedom of speech, freedom from arrest in civil actions, exemption from jury duty, exemption from attendance as a witness. The rights and powers of the House collectively are the power to discipline, the regulation of its own internal affairs, the authority to maintain the attendance and service of its members, the right to institute inquiries and to call witnesses and demand papers, the right to administer oaths to witnesses and the right to publish papers containing defamatory material.

pro forma bill: a Latin phrase meaning “for form’s sake.” In the legislative context, a bill introduced at the beginning of a session for the sole purpose of asserting the Legislative Assembly’s right to determine the order of its deliberations. The bill is given first reading only.

promoter of a bill: a private member or minister who presents a bill in the Legislative Assembly.

propose the question: the formal reading of a motion from the chair which places it before the House. Until the question is proposed it cannot be debated, amended or voted upon.

prorogation: the ceremonial ending of a parliamentary session, which abolishes all pending business and halts all committee work.

public bill (government bill): a proposed law introduced by a minister and concerned with financial provisions and public policy.

put the question: to put the motion before the House to a vote. At this stage no further debate or amendment is possible. The question is put to the House by the Speaker, or to committee members by the chairman.

question: the matter before the House or a committee, about which it is called to make a decision.

question period (oral question period, questions by members): a daily 40-minute period in the House during which oral questions may be addressed to ministers.

questions by members (oral question period, question period): a daily 40-minute period in the House during which oral questions may be addressed to ministers.

quorum: the minimum number of members, including the Speaker, necessary to constitute a meeting of the House. Ten members constitute a quorum for the Legislative Assembly of Prince Edward Island.

rail: a physical barrier delineating the floor of the House where business is conducted.

reading of a bill: one of the stages of the passage of a bill. The reading stages (first, second and third) each have a function. First reading immediately follows the granting of leave to introduce the bill in the House. Its purpose is to allow the bill to be distributed to all members and made generally available for the information of the Legislative Assembly and the public. At second reading, the principle and object of a bill are debated and either accepted or rejected. Third reading is the last stage of consideration of a bill in the House, at the conclusion of which the bill as a whole is either finally approved or rejected.

recess: a pause during the course of a sitting. When the Speaker has declared a recess, he or she leaves the chair but the mace remains on the Table.

recommittal of a bill: the referral of a bill back to a Committee of the Whole House for further amendment in a specific area or for the reconsideration of a certain clause or clauses. The recommittal is moved as an amendment to the motion for third reading.

recognition of guests: the order of business when members introduce guests present in the galleries, or generally offer welcoming remarks to the viewing public.

recorded division: a division where the names of those voting for and against a motion are registered in the daily journal. A recorded division can be requested by any member.

regulation: subordinate legislation authorized and limited in scope by an act.

report progress: when a Committee of the Whole House reports to the House indicating that the Committee has not concluded its deliberations. Such report is necessary because a Committee of the Whole House has no power to adjourn its own sitting or to adjourn consideration of a matter to a future sitting.

resolution: a motion adopted by the House in order to make a declaration of opinion or purpose. A resolution does not have the effect of requiring that any action be taken.

responsible government: the principle that ministers are collectively responsible to the Legislative Assembly for the actions of the government. The legislative branch of government therefore exercises control over the executive.

right of reply: the right of a mover of a substantive motion to speak a second time in debate. As this second speech closes the debate, the Speaker will so inform the House when recognizing the member.

Royal Assent: the approval by the Lieutenant Governor, representing the Crown, of a bill passed by the House, making it into an act.

Royal Gazette: the official paper of the province of Prince Edward Island. As outlined in the Queen's Printer Act, all advertisements, notices, and documents relating to matters within the control of the Legislature and that are by any law required to be published, shall be published in the Royal Gazette unless any other mode of publication is prescribed by law.

seat: the desk in the chamber assigned to a member.

seconders: a member who formally supports a motion or amendment in the House. Motions in committee do not require seconders.

second reading: the stage at which the principle and object of a bill may be debated and either accepted or rejected.

Sergeant-at-Arms: an officer of the House responsible for the safekeeping of the mace and security of the Speaker.

session: one of the fundamental periods into which a general assembly is divided, usually consisting of a number of separate sittings. Sessions start with the Speech from the Throne and end with prorogation.

sessional paper: any document tabled in the House or filed with the Clerk during a given session. All such documents are open to public scrutiny.

Speaker: the member elected by the House to preside over its proceedings and be responsible for order and decorum.

special committee: a group of members appointed to study a particular matter. Once its final report has been adopted, the committee ceases to exist.

Speech from the Throne (Throne Speech): a speech delivered by the Lieutenant Governor at the opening of a session outlining the government's plans for the session.

standing committee: a permanent body of members selected to consider such matters as the House may refer to it or empower it to examine, or who may, by majority

decision, meet to examine and inquire into such matters and things as the committee deems appropriate. Standing committees are re-constituted each session.

statements by members: the daily five-minute period preceding the oral question period when members may make statements of national, regional or local importance. Each statement is limited to 90 seconds in length.

statements by ministers: a heading under the ordinary daily routine during which a minister may make a brief statement or explanation of government policy. No debate is permitted, but one member from the official opposition may ask for explanation or comment for a period of time not to exceed the length of the ministerial statement.

statute (act): a bill passed by the Legislative Assembly and given Royal Assent is then known as a statute or act.

stranger: anyone who is not a member of the House or an official of the House. Strangers are admitted to the galleries but may be expelled if there is a disturbance or if the House so orders.

sub *judice* convention: a Latin phrase meaning “under judicial deliberation, or before a judge or court of law.” A convention whereby members refrain from making reference to certain matters, particularly criminal cases, which are before the courts.

substitute member of a committee: a member designated to replace a permanent member of a committee at one or several of its meetings. The substitute enjoys all the regular member’s rights and privileges in committee.

superseding motion: a motion, independent in form, intended to replace the question under discussion. It may be either a dilatory motion (for example, to adjourn the debate), or a motion for the previous question (that the question be now called).

supplementary estimates: an expenditure plan introduced to provide funds to government to meet new or increased costs.

supplementary question: a follow-up question asked to obtain clarification of an answer provided during questions by members.

Table: the Table in front of the Speaker's chair at which the Clerk and Clerk Assistant and Clerk of Committees sit. The mace is placed upon it when the House is sitting.

table: to place a document before the House for consideration or consultation; to make public. A document is tabled either by command or by leave of the House.

Table Officers (Clerks-at-the-Table): the Clerk and Clerk Assistant and Clerk of Committees who provide procedural advice to the Speaker and to members, keep the minutes of the proceedings, and record the votes.

third reading: the last stage of consideration of a bill in the House, at the conclusion of which the bill as a whole is either finally approved or rejected.

Throne Speech (Speech from the Throne): a speech delivered by the Lieutenant Governor at the opening of a session outlining the government's plans for the session.

unanimous consent: the consent of all members present, required when the House wishes to set aside its rules or practices.

unparliamentary language: words or expressions contrary to the proprieties of the House. What is acceptable depends on circumstances but personal attacks, insults, obscene language or words which question a member's integrity, honesty or character are unparliamentary.

voice vote: an oral vote held without recording individual members' votes or the number of yeas and nays.

vote: (1) the formal expression of opinion for the purpose of reaching a decision. Votes are given either orally or by members standing in their places; (2) an individual item of the estimates indicating the amount of money required by the government for a particular program or function.

whip: a member charged with keeping other members of the same party informed concerning House business and ensuring their attendance in the House, especially when a vote is anticipated.