



**FIRST REPORT
OF THE
STANDING COMMITTEE ON PROCEDURE**

First Session

Fifty-eighth Legislative Assembly

of the

Province of New Brunswick

December 10, 2014

MEMBERS OF THE COMMITTEE

Mr. Albert, Chair

Hon. Mr. Fraser, Vice-Chair

Hon. Mr. Rousselle

Mr. Guitard

Ms. Harris

Mr. Bernard LeBlanc

Mr. Bertrand LeBlanc

Ms. Dubé

Mr. B. Macdonald

Mr. Jody Carr

Mr. Holder

December 10, 2014

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

I present herewith the First Report of the Standing Committee on Procedure.

Pursuant to Standing Rule 92, all Standing Rules and practices of the House, together with any matter referred by the Speaker, stand permanently referred to the Standing Committee on Procedure.

Further to its permanent order of reference, your Committee held a meeting on December 5, 2014, to review the Standing Rules and practices of the Legislative Assembly.

Your Committee's Report contains several recommendations for changes and improvements to the Standing Rules and practices of the House.

And your Committee asks leave to make a further report.

Respectfully submitted on behalf of the Committee.

Hédard Albert, MLA
Committee Chair

December 10, 2014

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

Your Standing Committee on Procedure begs leave to submit this, their First Report of the session.

Pursuant to Standing Rule 92, all Standing Rules and practices of the House, together with any matter referred by the Speaker, stand permanently referred to the Standing Committee on Procedure. Further to its permanent order of reference, your Committee held a meeting on December 5, 2014, to review the Standing Rules and practices of the Legislative Assembly.

On motion of Ms. Harris, seconded by Mr. Bertrand LeBlanc, Mr. Albert was elected Chair of the Committee.

On motion of Mr. Guitard, seconded by Mr. Bernard LeBlanc, Hon. Mr. Fraser was elected Vice-Chair of the Committee.

The Standing Rules of the Legislative Assembly of New Brunswick were adopted in 1986. Your Committee is of the opinion that the Rules should be modernized to become more efficient and to reflect the current practices in other jurisdictions, including the House of Commons and other provincial legislatures. The changes being proposed will ensure the efficient, effective and orderly flow of business in the House and various standing committees.

The following is a summary of the recommended amendments to the Standing Rules of the Legislative Assembly of New Brunswick:

I. Government House Leader

The Standing Rules require the Government House Leader to be a Minister of the Crown. In order to allow a Government Private Member to undertake the responsibilities of Government House Leader, it is recommended that certain amendments be made to the Standing Rules. The amendments would only permit the specific Private Member designated as Government House Leader, or a Minister of the Crown, to undertake the responsibilities of Government House Leader. The existing time limits prescribed for debate on bills and motions introduced by a Government Private Member would not apply if the Private Member is the Government House Leader.

II. Routine Business of the House

The following is the list of routine items of business called by the Speaker at the commencement of each sitting day: Prayers; Condolences and Messages of Sympathy; Introduction of Guests; Messages

of Congratulation and Recognition; Presentations of Petitions; Answers to Petitions and Written Questions; Presentations of Committee Reports; Tabling of Documents; Statements by Ministers; Statements by Members; Oral Questions; Introduction of Bills; Notices of Motions; Notice of Opposition Members' Business; Government Motions for the Ordering of the Business of the House; Orders of the Day.

These routine items of business are called in the order in which they are listed. Many of these items are without time limits, or the existing time limits are not routinely enforced. This results in the House devoting a considerable amount of time at the start of each sitting day to the consideration of these items, as opposed to other business before the House, such as legislation or departmental estimates. To allow the House to operate in a more efficient manner, it is recommended that certain items be combined and moved to the end of the day, be provided with a maximum time limit, be limited in their nature, or be moved to an earlier time in the day for consistency purposes.

Condolences and Congratulatory

Members are permitted to offer condolences and messages of sympathy to the family of those who have passed away. In addition, Members are permitted to offer congratulations and recognition to those deserving of such acknowledgment. It is recommended that Condolences and Messages of Sympathy and Messages of Congratulation and Recognition be combined to form statements of condolence or statements of congratulation. This item would no longer be a routine item of business. Instead, it would be called by the Speaker, statements of condolence first, followed by statements of congratulation, prior to the adjournment of the House. This new item of business would be allocated a maximum time limit of ten minutes, and sixty seconds per Member.

Introduction of Guests

Members are permitted to introduce a guest in the House under this item of business. Depending on the number of guests present each day, this item may take several minutes. It is recommended that Introduction of Guests be allocated a maximum time limit of ten minutes, and that the existing limit of sixty seconds per Member be enforced.

Statements by Members

This routine item of business allows a Member, other than a Minister of the Crown, to make a statement for not more than sixty seconds. The Standing Rules are silent as to the nature of the statement. As such, it is recommended that the statement be required to relate to matters in the constituency of a Member. It is also recommended that the order in which this item of business is called be revised, to allow Statements by Members to be called earlier in the list, following Prayers and Introduction of Guests.

Oral Questions

Oral Questions, commonly referred to as Question Period, allows Members to pose questions to Ministers of the Crown. This routine item of business is often highly anticipated by the public, but can only commence after several other items of business have been completed, some of which vary greatly in duration. As such, there is not a predictable time of day when the House can commence Question Period. In order to provide the House and the public with a predictable time for the commencement of Question Period, it is recommended that the order in which this item of business is called be revised, to allow Oral Questions to be called earlier in the list, following Prayers, Introduction of Guests, and Statements by Members. Tabling of Documents and Statements by Ministers would follow Oral Questions.

III. Recorded Divisions

A recorded division may be requested on any vote in the House, if two Members stand in their places. Before the vote is taken, the Speaker allows ten minutes to pass to provide all Members with sufficient time to be in their seats. If several recorded divisions are requested in a sitting day, the time provided to Members can accumulate, which may result in an inefficient use of time. As such, it is recommended that the Government House Leader or Whip have the option to defer a recorded division to the next sitting day. The vote would be held under a new routine item of business entitled “Deferred Recorded Divisions.” This deferral option would not extend to requests for recorded divisions in standing or select committees.

IV. Sitting Hours

The Standing Rules provide for the following sitting hours in the House: Tuesday 1.00 p.m. to 6.00 p.m.; Wednesday 10.00 a.m. to 12.30 p.m., 2.00 p.m. to 6.00 p.m.; Thursday 1.00 p.m. to 6.00 p.m.; Friday 10.00 a.m. to 12.30 p.m., 1.30 p.m. to 4.30 p.m. In recent years, however, the House has routinely sat late into the evening to ensure legislation and departmental estimates are thoroughly considered. In certain sessions, motions extending the sitting hours on Tuesdays, Wednesdays and Thursdays to 10.00 p.m. or later were common practice.

In order to ensure the House still has sufficient time to conduct its business in an efficient and thorough manner, while allowing Members to spend more time with family or on ministerial or constituency business outside of the House, it is recommended that the sitting hours be varied to allow the House to commence sitting at 10.00 a.m. on Wednesdays, Thursdays and Fridays, with only an hour break at noon. It is anticipated that the increased sitting hours in the day will allow the House to sit less frequently at night.

The recommended change in sitting hours requires an additional amendment to the Rules to indicate that Opposition Members’ Business commences at 2.30 p.m. on Thursdays, to ensure there is not a change to the amount of time the Opposition is provided under this item of business.

V. Standing Committees

The Standing Rules provide for the following standing committees: Standing Committee on Crown Corporations; Standing Committee on Education; Standing Committee on Estimates; Standing Committee on Health Care; Standing Committee on Law Amendments; Legislative Administration Committee; Standing Committee on Legislative Officers; Standing Committee on Private Bills; Standing Committee on Privileges; Standing Committee on Procedure; Standing Committee on Public Accounts. It is recommended that certain changes be made to the committee structure and the mandate of certain committees.

Consideration of Government Bills

Following second reading, Government Bills stand referred to the Committee of the Whole House, which is comprised of all Members of the House except for the Speaker. In order to allow for a more thorough and specialized consideration of Government Bills, it is recommended that the Minister introducing a Bill, or the Government House Leader, be provided with the option to refer the Bill to one of three standing committees dedicated to the consideration of legislation of an economic, social or fiscal nature. The Committee of the Whole House would still exist, but would be used on a limited basis. The House would retain the ability to refer a Government Bill to the Committee of the Whole House, following its consideration by one of the three standing committees.

The standing committees created to consider, including the option to amend, Government Bills would be as follows: Standing Committee on Economic Policy; Standing Committee on Social Policy; Standing Committee on Estimates and Fiscal Policy. These committees would function in the same manner as the Committee of the Whole House and all meetings would be held in public and televised. As is the current practice, if the House found it necessary to consult the public on a proposed Bill prior to second reading, the subject matter of the Bill would be referred to the existing Standing Committee on Law Amendments.

Reorganization

With the addition of three new standing committees with broader mandates, it is recommended that the Standing Committee on Education and the Standing Committee on Health Care are no longer required. In addition, it is recommended that the Standing Committee on Estimates become the Standing Committee on Estimates and Fiscal Policy. To maximize the resources of the remaining standing committees, it is recommended that the Standing Committee on Procedure, the Standing Committee on Privileges, and the Standing Committee on Legislative Officers be combined to form the Standing Committee on Procedure, Privileges and Legislative Officers.

Consideration of Estimates

The Standing Rules require that following the transmittal to the House of estimates or supplementary estimates, such estimates be referred to the Committee of Supply, which is comprised of all

Members of the House except for the Speaker. In order to allow for a more thorough and specialized consideration of estimates, it is recommended that following the transmittal of estimates or supplementary estimates to the Committee of Supply, the Government House Leader have the option to refer these estimates to the Standing Committee on Estimates and Fiscal Policy. When considering estimates, the Standing Committee on Estimates and Fiscal Policy would function in the same manner as the Committee of Supply and all meetings would be held in public and televised.

Membership

The Standing Rules allow any Member to take part in the proceedings of a standing committee, even if the Member is not a member of the Committee. The Member may not, however, vote, move any motions, or be part of a quorum. In order to allow a Minister to move an amendment to a Bill or departmental estimate referred to a Standing Committee, it is recommended that the Minister who introduces the Bill or is responsible for the estimate be entitled to sit as a participating member of the Committee that considers the item. The Minister would have the ability to vote, move any motion, and be part of a quorum.

Motions of Concurrence

Motions for concurrence in the reports of the Committee of the Whole House, Committee of Supply, and certain standing committees are excluded from the two days' notice requirement pursuant to the Standing Rules. It is recommended that this exclusion be extended to the Standing Committee on Economic Policy, Standing Committee on Social Policy, and Standing Committee on Estimates and Fiscal Policy. As well, it is recommended that the Standing Rule that allows for the concurrence motion in these reports to be deemed to be before the House, decided without debate or amendment unless moved by a Minister, be extended to the reports of the three new standing committees.

Sitting Concurrently

The Standing Rules allow for the Standing Committee on Estimates and the Standing Committee on Law Amendments to sit concurrently with the House. It is recommended that this allowance be removed from the Rules.

VI. Other

The Standing Rules refer to a special Appropriations Act introduced pursuant to subsection 34(4) of the *Financial Administration Act*. This citation is no longer accurate, as the *Financial Administration Act* has been revised. Accordingly, it is recommended that the citation of subsection 34(4) be removed. This will not have any effect on the requirement of the specific Standing Rule.

Amendments to the Standing Rules

Your Committee therefore recommends for adoption the following amendments to the Standing Rules:

- 1 Standing Rule 1 is amended by adding the following definition in alphabetical order:

“Government House Leader” means the Member designated as House Leader by the recognized party forming Government pursuant to Standing Rule 5, or a Minister acting in that capacity;

- 2 Standing Rule 9(2) is amended by striking out “Standing Committee on Privileges” and substituting “Standing Committee on Procedure, Privileges and Legislative Officers”.

- 3 Standing Rule 29(1) is repealed and the following is substituted:

29(1) Unless otherwise provided by Standing or Special Order of the House, the time for the daily meeting and adjournment of the sitting of the Assembly shall be as follows:

Tuesday	1.00 p.m. to 6.00 p.m.
Wednesday	10.00 a.m. to 12.00 p.m. 1.00 p.m. to 6.00 p.m.
Thursday	10.00 a.m. to 12.00 p.m. 1.00 p.m. to 6.00 p.m.
Friday	10.00 a.m. to 12.00 p.m. 1.00 p.m. to 4.30 p.m.

- 4 The Standing Rules are amended by adding after Standing Rule 30(1) the following:

30(1.1) Notwithstanding subrule (1), when the Speaker rises at the ordinary time of daily adjournment, before the Speaker adjourns the House the Speaker may recognize a Member to make a statement of condolence or a statement of congratulation.

30(1.2) A Member making a statement of condolence or a statement of congratulation shall speak for no more than sixty seconds.

30(1.3) A maximum of ten minutes shall be allocated for statements of condolence and statements of congratulation.

5 Standing Rule 35 is repealed and the following is substituted:

35 The ordinary daily routine of business in the House shall be:

Prayers.

Introduction of Guests.

Statements by Members.

Oral Questions (30 minutes).

Tabling of Documents.

Statements by Ministers.

Presentations of Petitions.

Answers to Petitions and Written Questions.

Presentations of Committee Reports.

Introduction of Bills.

Notices of Motions.

Notice of Opposition Members' Business.

Government Motions for the Ordering of the Business of the House.

Deferred Recorded Divisions.

Orders of the Day.

6 Standing Rule 35.1 is repealed.

7 Standing Rule 35.2 is repealed and the following is substituted:

35.2(1) A maximum of ten minutes shall be allocated to the item of routine business "Introduction of Guests".

35.2(2) A Member introducing a guest shall speak for no more than sixty seconds.

8 Standing Rule 35.3 is repealed.

9 Standing Rule 40.1 is amended by adding after subrule (3) the following:

40.1(4) Statements shall relate to the constituency of a Member.

10 Standing Rule 42.1 is amended

(a) in subrule (1) by striking out "the Minister acting as";

(b) in subrule (2) by striking out “the Minister acting as”;

(c) by repealing subrule (4) and substituting the following:

42.1(4) A Government Bill introduced by a Minister of the Crown and given second reading shall stand referred to the Committee of the Whole House or other Committee designated by the sponsor of the Bill or Government House Leader.

(d) by repealing subrule (5) and substituting the following:

42.1(5) When a Government Bill has received second reading and is reported from a Committee other than the Committee of the Whole House, it may be referred to the Committee of the Whole House by the Government House Leader, otherwise the Government Bill shall stand ordered for third reading at the next sitting of the House unless third reading of the Bill is deferred to a subsequent day by the Government House Leader.

(e) in subrule (6) by striking out “the Minister acting as”.

11 Standing Rule 42.2 is amended

(a) in subrule (1) by striking out “the Minister acting as”;

(b) by adding after subrule (2) the following:

42.2(2.1) Subrule (2) shall not apply during any debate of a Public Bill introduced by a Government Private Member if the sponsor of the Bill is the Government House Leader.

(c) in subrule (3) by striking out “the Minister acting as”;

(d) in subrule (4) by striking out “the Minister acting as”;

(e) in subrule (7) by striking out “the Minister acting as”.

12 Standing Rule 42.3(3) is amended by striking out “subsection 34(4) of”.

13 Standing Rule 43 is amended by striking out “the Minister acting as”.

- 14 Standing Rule 44(1) is repealed and the following is substituted:
- 44(1) Commencing on the second Thursday of the session, “Opposition Members’ Business” shall begin at 2.30 p.m. and shall have precedence over all other business of the House.
- 15 Standing Rule 44.1 is amended
- (a) in subrule (1) by striking out “the Minister acting as”;
- (b) by adding after subrule (4) the following:
- 44.1(5) Subrules (2) and (4) shall not apply to the consideration of a motion introduced by a Government Private Member if the mover of the motion is the Government House Leader.
- 16 The Standing Rules are amended by adding after Standing Rule 62(4) the following:
- 62(5) Notwithstanding subrule (2), if a recorded division is requested, the Speaker or the Chair shall defer the recorded division to the next sitting day under the item of routine business “Deferred Recorded Divisions” if requested to do so by the Government House Leader or Government Whip.
- 17 Standing Rule 66(i) is repealed and the following is substituted:
- (i) for concurrence in the Reports of the Committee of the Whole House, the Committee of Supply, the Standing Committee on Economic Policy, the Standing Committee on Social Policy, and the Standing Committee on Estimates and Fiscal Policy;
- 18 Standing Rule 78.1 is repealed and the following is substituted:
- 78.1 On the presentation of a report from the Committee of the Whole House, the Standing Committee on Economic Policy, the Standing Committee on Social Policy, the Standing Committee on Estimates and Fiscal Policy, or the Standing Committee on Law Amendments, a motion that the report be concurred in shall be deemed to be before the House. The motion to concur in the report shall be put forthwith by the Speaker and decided without debate and no amendment shall be received unless it is moved by the Government House Leader for the purpose of reinstating a Bill, a

clause of a Bill or an amendment to a Bill. If the Government House Leader moves an amendment as provided herein, the debate on such amendment shall be limited to one hour and no Member shall speak for more than ten minutes. The debate having been concluded, the question shall be put on any amendment so moved, then in the concurrence of the report, be it amended or not.

19 Standing Rule 78.2 is repealed and the following is substituted:

78.2 On the presentation of a report from the Committee of Supply or the Standing Committee on Estimates and Fiscal Policy, a motion that the report be concurred in shall be deemed to be before the House. The motion to concur in the report shall be put forthwith by the Speaker and decided without debate and no amendment shall be received unless it is moved by the Government House Leader for the purpose of reinstating some estimate or estimates reduced or negatived in Committee. If the Government House Leader moves an amendment as provided herein, the debate on such amendment shall be limited to one hour and no Member shall speak for more than ten minutes. The debate having been concluded, the question shall be put on any amendment so moved, then in the concurrence of the report, be it amended or not.

20 Standing Rule 89 is repealed and the following is substituted:

89 The Standing Committees shall be appointed on motion at the commencement of each House and shall be:

- (a) the Standing Committee on Crown Corporations;
- (b) the Standing Committee on Economic Policy;
- (c) the Standing Committee on Estimates and Fiscal Policy;
- (d) the Standing Committee on Law Amendments;
- (e) the Legislative Administration Committee;
- (f) the Standing Committee on Private Bills;
- (g) the Standing Committee on Procedure, Privileges and Legislative Officers;
- (h) the Standing Committee on Public Accounts;
- (i) the Standing Committee on Social Policy.

21 The Standing Rules are amended by adding after Standing Rule 89.1 the following:

89.2 When a Bill is considered by a Committee established under Standing Rule 89, the Chair shall inquire whether any comments, questions or amendments are to be offered and to which sections, and will call only those sections. If no sections are so designated, the Bill shall be reported as a whole.

22 Standing Rule 91 is amended by striking out “Standing Committee on Legislative Officers” and substituting “Standing Committee on Procedure, Privileges and Legislative Officers”.

23 Standing Rule 92 is amended by striking out “Committee on Procedure” and substituting “Standing Committee on Procedure, Privileges and Legislative Officers”.

24 Standing Rule 97 is repealed and the following is substituted:

97 A standing or select committee shall not, except by order of the House, sit concurrently with the House.

25 Standing Rule 100 is repealed and the following is substituted:

100 Any Member may request a recorded vote in Committee. If a recorded vote is requested, the Chair shall put the question forthwith. The Chair of a Committee shall vote only when there is an equality of votes.

26 Standing Rule 102 is repealed and the following is substituted:

102(1) Subject to subrule (2), any Member of the House who is not a member of a Committee, may, unless the House or the Committee concerned otherwise orders, take part in the proceedings of the Committee, but may not vote nor move any motion, nor be part of a quorum.

102(2) A Minister who introduces a Bill or is responsible for a departmental estimate shall be entitled to sit as a participating member of the Committee that considers the Bill or estimate, and shall be entitled to vote, move any motion, and be part of a quorum.

- 27 Standing Rule 105(2) is amended by striking out “a Minister of the Crown” and substituting “the Government House Leader”.
- 28 Standing Rule 109 is repealed and the following is substituted:
- 109(1) On motion of the Government House Leader, the House may refer any departmental estimate to the Standing Committee on Estimates and Fiscal Policy which shall report those Estimates back to the House for concurrence therein.
- 109(2) A motion to refer a departmental estimate to the Standing Committee on Estimates and Fiscal Policy shall be put forthwith by the Speaker and decided without amendment or debate.
- 29 Standing Rule 109.1(3) is amended by striking out “Standing Committee on Estimates” and substituting “Standing Committee on Estimates and Fiscal Policy”.
- 30 Standing Rule 114(2) is amended by striking out “Standing Committee on Procedure” and substituting “Standing Committee on Procedure, Privileges and Legislative Officers”.
- 31 Standing Rule 120 is amended by striking out “Minister leading the House” and substituting “Government House Leader”.

All of which is respectfully submitted and the Committee asks leave to make a further report.

Hédard Albert, MLA
Committee Chair