



*House of Assembly  
Newfoundland & Labrador*

# Select Committee of Rules and Procedures Governing Virtual Proceedings of the House of Assembly

---

## **Final Report**

June 30, 2020



---

# TABLE OF CONTENTS

TRANSMITTAL.....	1
INTRODUCTION .....	2
ORDER OF REFERENCE .....	3
RECOMMENDATIONS .....	5
APPENDIX A .....	7



---

# TRANSMITTAL

Mr. Speaker,

The Select Committee of Rules and Procedures Governing Virtual Proceedings has considered the matters to them referred and has directed me to submit this report.

Respectfully submitted,

Hon. Siobhan Coady, MHA

St. John's West

Chair

## Committee Members:

Honourable Siobhan Coady – St. John's West (Chair)

Honourable Steve Crocker – Carbonear-Trinity-Bay de Verde

Mr. David Brazil – Conception Bay East-Bell Island

Mr. Jordan Brown – Labrador West

Mr. Derek Bennett – Lewisporte-Twillingate

Mr. Paul Lane – Mount Pearl-Southlands

Honourable Scott Reid – St. George's-Humber

Mr. Jim Dinn – St. John's Centre

Mr. Ches Crosbie – Windsor Lake



## INTRODUCTION

On May 5, 2020 the House of Assembly passed a resolution to establish a Select Committee of Rules and Procedures Governing Virtual Proceedings of the House of Assembly (the Select Committee). The Select Committee is tasked with determining the manner in which the House may conduct virtual proceedings during the COVID-19 pandemic such that Members can continue to fulfill their parliamentary duties as legislators and provide for accountability should travel restrictions, health vulnerability, or physical distancing requirements prevent in person sittings.

The resolution passed authorizes the Select Committee to determine the manner in which virtual proceedings of the House may be held. It provides that virtual proceedings may include a proceeding of the House with any combination of Members physically present in the Chamber, and Members present remotely by other technological means (including video conference or audio only platform). The measures recommended by this Committee and adopted by the House of Assembly will also apply, as appropriate, to meetings of other Committees of the House and the Management Commission. The complete resolution is outlined in the following section (Order of Reference).

Since the passing of the resolution, the Select Committee has reviewed the matter referred to it and submits the following final report and recommendations to the House of Assembly respecting the manner in which the House, its Committees and the Management Commission may conduct virtual proceedings.

In developing its recommendations, the Select Committee met seven times with all meetings conducted virtually. This marks the first time that any proceeding of the House of Assembly has been conducted virtually.



---

## ORDER OF REFERENCE

In carrying out and completing its work, the Select Committee was guided by the following resolution passed by the House on May 5, 2020:

*Mr. Speaker, I give notice and, by leave and seconded by the Minister of Education and Early Childhood Development, move the following motion:*

*That while the COVID-19 pandemic and required public health orders continue, the House of Assembly Members need to fulfil their parliamentary duties as legislators and to provide for accountability and transparency.*

*Therefore be it resolved:*

- 1. That, notwithstanding any Standing Order of this House, the House may wish to sit from time to time in virtual proceedings in a manner to be determined further to this resolution;*
- 2. That, with respect to a sitting of this House, “virtual proceedings” may include a proceeding of this House with any combination of the following:*
  - a. Members physically present in the Chamber; and*
  - b. Members present remotely by other technological means, including by a video conferencing or audio only platform;*
- 3. That a Select Committee of Rules and Procedures Governing Virtual Proceedings of this House of Assembly be established to determine the manner in which the House may conduct virtual proceedings, which proceedings must satisfy the following requirements:*
  - a. A virtual proceeding must be a proceeding of parliament conducted under the authority of the Speaker in the manner agreed to by Members.*
  - b. The manner of the proceeding must protect and uphold the parliamentary privilege enjoyed individually and collectively by this House and its Members.*
  - c. All Members must be able to access and use any video conferencing or audio platform chosen by the Standing Orders Committee.*
  - d. The platform chosen by the committee must be secure for the purpose of a public meeting of this House.*
  - e. The platform must be trusted by the Members and be transparent;*



4. *That the Select Committee consist of the current members of the Standing Orders Committee, the Opposition House Leader, the Third Party House Leader and an unaffiliated Member as agreed to by the unaffiliated Members, or where there is no agreement, an unaffiliated Member as chosen by the Speaker;*
5. *That the chair of the Standing Orders Committee shall be the chair of the Select Committee;*
6. *That the Select Committee may, at the discretion of the chair, meet using teleconference, virtual or other means to conduct its meetings;*
7. *That the report of the Select Committee shall be tabled with the Clerk of the House of Assembly as soon as possible, but in any event no later than July 1, 2020 and shall be deemed to have been duly presented to and adopted by the House of Assembly on that date;*
8. *That the measures recommended by the Select Committee and adopted by the House shall apply, as appropriate, to meetings of other Committees of the House and the Management Commission; and*
9. *That the measures recommended by the Select Committee and adopted by this House by the passing of this motion shall remain in place until December 3, 2020 unless earlier revised or replaced by this House of Assembly.*



---

## RECOMMENDATIONS

On behalf of all Members, we are committed to taking the steps necessary to ensure that the Members of the House of Assembly can fulfill their core parliamentary functions as legislators, holding government to account and representing the interests of Newfoundlanders and Labradorians while respecting the orders and guidance issued by the Chief Medical Officer of Health.

Consequently, we recommend the use of videoconferencing technology to enable all Members to participate in the proceedings of the House of Assembly and its Committees to exercise the full scope of their parliamentary duties.

Therefore, further to the resolution passed by the House of Assembly on May 5, 2020, and in recognition of public health measures that continue to be in place in Newfoundland and Labrador due to the COVID-19 pandemic, the Select Committee recommends the following with respect to the manner of conducting virtual proceedings:

1. It is preferred that sittings of the House be conducted with all Members physically present. Should the House resume in accordance with the Parliamentary Calendar, or the Government advise the Speaker that the public interest requires the House to meet at any time because of emergency or extraordinary circumstances; and the circumstances associated with COVID-19 indicate that a sitting of the House with all Members physically present would not be prudent, the Speaker following consultation with the Chief Medical Officer of Health and the House leaders, will determine if the virtual proceedings provision will be invoked.
2. Virtual proceedings of the House of Assembly will be carried out using a hybrid model with at least the 10 Members required to achieve quorum participating in person from the House of Assembly Chamber and remaining Members participating via virtual means.
3. Meetings of a Committee of the House may be conducted via virtual means as determined by the Chair in consultation with the Committee Clerk.
4. Meetings of the Management Commission may be conducted via virtual means as determined by the Speaker in consultation with the Clerk.



5. Webex is the approved as the videoconferencing technology platform for proceedings of the House of Assembly, its Committees and the Management Commission. Should a change in platform be required, it will be authorized by the Speaker on advice from the Clerk.
6. House officials will develop and deliver training and orientation to all Members on the use of the platform and the conduct of proceedings in virtual mode.
7. When it has been determined that proceedings will be conducted via virtual means the procedural guidelines specified in Appendix A shall supplement the Standing Orders and in the case of conflict, the procedural guidance provided in Appendix A will prevail.
8. Minor procedural adjustments required to enable virtual proceedings and consequential adjustments to these procedures to facilitate implementation will be determined by the Speaker in consultation with the House leaders.
9. These measures shall remain in place until December 3, 2020 unless earlier revised or replaced by the House of Assembly.





---

# APPENDIX A – PROCEDURAL GUIDANCE FOR PROCEEDINGS CONDUCTED VIRTUALLY

## **PARTICIPATION**

1. The Speaker, in consultation with the House leaders, will determine the maximum number of Members that may be physically present in the Chamber during hybrid proceedings. The Speaker will consult with the caucuses and the independent Members as to which Members will participate physically and which Members will participate virtually. Should agreement not be achieved, the Speaker will determine the number of Members from each caucus and independent members that will participate in each manner.

## **DRESS CODE/ATTIRE**

2. Business professional attire is required for Members participating in virtual proceedings of the House of Assembly; and business casual attire is required for Members participating in virtual proceedings of Committees and the Management Commission.

## **BACKGROUND AND VIRTUAL SETUP**

3. Props or slogans are prohibited for Members participating via virtual means, including those that are displayed in background shots. House officials will develop and issue guidance and training for all Members on appropriate set-up and location for IT equipment, including appropriate background displays, lighting, camera positioning, etc.

## **QUORUM**

4. Members participating via virtual means will be counted towards quorum for purpose of virtual proceedings of the House of Assembly Committees and the Management Commission.

## **PLACE OF SPEAKING**

5. Members participating by virtual means will be recognized as presented in the videoconference for the purpose of their place in the House. Members so recognized may speak from a seated position.



---

## AUDIO/VIDEO FUNCTIONS

6. Members participating via virtual means must keep the video function enabled if recognized to speak while they are speaking unless a device failure or connectivity issue allows for voice only.
7. Members participating via virtual means may disable the video function while they are not recognized to speak if they need to step away from the meeting for a short period of time (e.g. take a quick call, use the washroom, etc.). Prior to disabling the video function, Members must bow toward their device camera to maintain the parliamentary tradition of respect toward the Chair.
8. Members participating via virtual means must keep their audio muted until recognized by the Chair.

## RECOGNITION OF SPEAKERS

9. The following procedures will be implemented for the purpose of facilitating recognition of Members to speak by the Chair during hybrid virtual proceedings:
  - a. Statements by Members:
    - The current practice will be followed (i.e. order determined by Speaker's Office; statements submitted to Speaker's Office no later than 10:00 am of the sitting day on which the Member's Statement is to be delivered).
  - b. Statements by Ministers:
    - The Government House Leader will notify the Speaker's Office by noon of the sitting day of the number and order of Ministerial Statements. The Official Opposition and the Third Party will each notify the Speaker's Office by noon of the sitting day which members will be responding to each statement.
  - c. Oral Questions:
    - Ministers required to be present for any given sitting will be identified in advance by consultation and agreement between House Leaders.
    - Ministers required to be physically present for any given sitting will participate in person from the House of Assembly Chamber.



- The Opposition will provide a list of the Members who will be posing questions to the Speaker’s Office by noon of the sitting day.
  
- d. Presenting Reports by Standing and Select Committees:
  - The Committee Chair will notify the Speaker’s Office in advance of the sitting. The Speaker will recognize the Committee Chair.
  
- e. Tabling of Documents:
  - Ministers tabling documents will notify the Speaker’s Office by noon of the sitting day. The Speaker will determine the order (if more than one) and call on the Minister(s) to table in turn.
  
  - Ministers present in the Chamber will table documents in the usual manner. Ministers tabling documents virtually will arrange to have a PDF of the documents immediately sent via email to the Clerk.
  
- f. Notices of Motion:
  - Government Business:
    - i. The Speaker will call on each Minister in the order provided by Legislative Counsel.
    - ii. The Government House Leader will notify the Speaker’s Office by noon of the sitting day if they plan to give notice of a late sitting(s) (i.e. Standing Order 11(1)).
  
  - Private Members’ Business:
    - i. The Speaker’s Office will be notified by 12 noon on Monday (Tuesday if Monday is a holiday) by the private Member giving notice of a Private Member’s Motion.
    - ii. The Speaker will recognize the appropriate House Leader or independent to notify the House of the private Members’ Motion to be debated on the upcoming private Members’ Day in accordance with SO 63(3).



- g. Answers to Questions For Which Notice has Been Given:
- Ministers responding to questions for which notice has been given must notify the Speaker’s Office by noon of the sitting day.
- h. Petitions:
- Member’s presenting petitions will advise the Speaker’s Office by noon of the sitting day that they plan to present a petition.
  - The Speaker will establish the order in which Members will be called to present their petitions.
- i. First Reading:
- Government will notify the Speaker’s Office by noon of sitting day as to first reading bills and who will be doing first reading (i.e. GHL or sponsoring Minister).
- j. Second Reading, Third Reading, and Resolutions:
- The Government House Leader will provide a list of bills to be called for each stage and Government resolutions for the sitting day and provide an ordered list of Government Members speaking to the bills/resolutions to the Speaker’s Office by noon of each sitting day.
  - The Opposition caucuses will provide an ordered list of Members speaking to the bills to be called to the Speaker’s Office by noon of each sitting day.
  - The independent Members will advise the Speaker’s Office by noon of each sitting day as to the bills/resolutions they will be speaking to.
  - Should debate be carried over to subsequent sitting day(s), the Speaker will call the next Member from the list until the list is exhausted.
  - The provision of lists of Members speaking to bills/resolutions will not prejudice a Member, not listed, who may decide they wish to speak after a debate has begun.



k. Committee of the Whole:

- The Deputy Speaker must be present in the Chamber.
  
- Members not present in the Chamber may raise their hand virtually or notify the Chair by chat message of their intention to speak.

**SITTING TIMES**

10. Members participating virtually in House sittings will be required to connect to the platform one half hour prior to the start of the sitting time to provide time to resolve connection/technology issues.

**POINTS OF ORDER AND PRIVILEGE**

11. Members participating virtually wishing to raise a point of order will do so by signifying their intention via the chat function of the platform.
12. Members wishing to raise a point of privilege that occurs during the sitting will signify their intention via the chat function. (Points of Privilege being raised regarding matters occurring outside the chamber, or on a previous sitting day must follow the normal procedure.)
13. If more than one point of order or privilege is raised simultaneously, the time stamp in the chat feature of the platform will be used to determine who “rose” first.

**ADMISSION OF STRANGERS**

14. Prior to admitting strangers the Clerk will advise the Speaker of the Members who will be participating virtually who will then advise the House leaders.

**DISCIPLINE**

15. The Speaker will follow the usual procedure for imposing discipline on a Member by asking a ‘named’ Member to leave the meeting. The Member will be ejected from the virtual platform by the host according to the Speaker’s ruling.



## VOTING

### 16. Procedural decisions:

- a. A voice vote will be utilized to pass/defeat procedural motions that move the business of the House forward and do not have a normative effect (an effect on rights).
- b. Procedural motions include:
  - Motion to move to orders of the day;
  - Motions to sit late;
  - First Reading of a bill;
  - Motion for the House to resolve into Committee of the Whole;
  - Motion for the Committee of the Whole to rise and report;
  - Request for leave;
  - Motion to adjourn debate; and
  - Motion to adjourn the House (to the next sitting day).
- c. Three Members (whether participating in a physical or virtual manner) may nonetheless still request that the Speaker conduct a recorded division in accordance with the current Standing Orders.

17. A recorded division will be used to pass/defeat substantive decisions, i.e. decisions about passing a Bill through second or third reading, amendments, a particular decision of the House (e.g., a Private Members' Motion, a motion related to discipline under the Code of Conduct). Members present, whether virtual or physical, will record their individual "yea" or "nay" (rather than all the "yeas" being recorded individually followed by all the "nays").

18. In Committee of the Whole, the Chair will call for an indication of those contrary minded on each clause culminating in one recorded division as the final step of the Committee of the Whole process.