

**Guidelines for Standing and Special Committees
of the Legislative Assembly of Prince Edward Island
(As Approved by the House on February 21, 1989)**

General

1. The proceedings in all Committees of the House shall be guided by the Rules of the House.
2. In all cases not provided for in the Rules or by sessional or other Orders, the usages and customs of the House of Commons of Canada in force at the time shall be followed so far as they are applicable to the functioning of the Committees of this House.

Membership

3. (1) At the commencement of each session a Committee of five Members (comprised of three Members of Government and two other Members of the Legislative Assembly) to be named by the mover shall be appointed, on motion of the Leader or other Member of the Government, to nominate the Members to serve on the several Standing Committees.
(2) The Committee referred to in section (1) shall be styled the Committee on Committees.
4. (1) The membership of the Committees shall be allocated by the Committee on Committees in generally the same proportion as that of the recognized political parties in the House itself, if such approach is practicable.
(2) Notwithstanding subsection (1), in no case shall the Official Opposition have fewer than two Members on any one committee, unless there are fewer than two members of the Official Opposition. **(April 20, 2005)**
5. (1) 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. They may participate during Committee examination of witnesses but they do so usually at the discretion of the Committee through the Chairman.
(2) On the grounds of established usage and courtesy to the Committee, they normally retire when the Committee is about to deliberate upon its report. The Committee, in the case of refusal to retire, has no power to order them to withdraw as Members cannot be excluded by the authority of the Committee. In such circumstances, the Committee should either adjourn or report the matter to the House.

6. Ministers of the Crown are not eligible for appointment to the Standing Committee on Public Accounts and may not attend its meetings unless called as witnesses.
7. Changes in the membership of any Standing or Special Committee may be effected by the notification thereof signed by the Leader of the Party concerned to be effective when filed with the Chairman of the Committee and said changes reported to the House at the earliest opportunity. Alternately, the Leader of the Party concerned may make verbal announcement of the changes or substitutions during the daily routine of business "Reports by Committees."

Standing Committees

8. (1) Committees shall be severally empowered to examine and inquire into all such matters and things that may be referred to them by the House; and in addition, Committees, by majority decision of their membership, may meet to examine and inquire into such matters and things as the Committee deems appropriate (subject to Rule 83(3)). (Amended April 4, 1995)
- (2) Committees shall report to the House from time to time their observations and opinions with power to send for persons, papers and records.
- (3) The Standing Committees shall be:
 - (a) (i) Standing Committee on Legislative Management to be composed of the Speaker (as Chair), the Leader of the Official Opposition (or designate), Leader of the Third Party (or designate), Government House Leader (or designate), Government Caucus Chair (or designate), Opposition Caucus Chair (or designate) and the Deputy Speaker (or designate). (Amended November 27, 1997)
 - (ii) All designates must be Members of the Legislative Assembly.
 - (iii) The Legislative Management Committee is charged with matters as follows:
 - (a) policies for the administration of the Legislative Assembly;

- (b) the provision of security, facilities and services, including allocation to party caucuses and individual Members;
 - (c) the appointment, supervision and management of the staff of the Legislative Assembly, other than the staff of party caucus offices and the Office of the Leader of the Opposition;
 - (d) review of estimates of expenditure for the Legislative Assembly, including the forecasts and analysis of expenditures and financial commitments of the Assembly;
 - (e) other matters necessary for the efficient and effective operation and management of the Legislative Assembly.
- (b) 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 matters concerning the *Conflict of Interest Act* (Section 17) and empowered to sit when the House is not in session.
 - (c) 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.
 - (d) Standing Committee on Agriculture, Forestry and Environment with said Committee charged with matters concerning agriculture, forestry and the environment.
 - (e) Standing Committee on Community Affairs and Economic Development with said Committee charged with matters concerning community, cultural and economic affairs, labour and justice.
 - (f) Standing Committee on Social Development with said Committee charged with matters concerning education, health and social development.

- (g) Standing Committee on Fisheries, Intergovernmental Affairs and Transportation with said Committee charged with matters concerning fisheries, intergovernmental affairs and transportation.
 - (h) Standing Committee on the Constitution of Canada with said Committee charged with matters concerning the Constitution of Canada.
9. Other Committees, Standing and Special, may be appointed on motion.
 10. The Committee Clerk shall, within six sitting days of the acceptance of the report of the Committee on Committees, call the first meeting of the Committee, at which time a Chairman shall be appointed who shall act as Chairman during the life of the Committee.

Quorum

11. Unless otherwise ordered by the House, the majority of the Members of a Committee is a quorum.

Terms of Reference

12. Committees shall be severally empowered to examine and inquire into all such matters and things that may be referred to them by the House, and to report from time to time their observations and opinions with power to send for persons, papers and records.
13.
 - (1) Committees are regarded as creatures of the House and are governed, for the most part, in their proceedings by the same Rules which prevail in the House with the exception as to the seconding of motions and limiting the number of times of speaking.
 - (2) Committees receive their authority from the House itself and the authority of the House overrides that of any Committee.
 - (3) Committees should remain masters of their own procedure and the Speaker should not exercise procedural control over the Committees.

Operating Routine

14. (1) Committee meetings, excepting those meetings convened to draft a Committee's report, shall be held in public unless a motion is moved and carried to meet *in camera* (see Guideline 29).
- (2) Notwithstanding section (1), meetings of the Standing Committee on Legislative Management shall be held *in camera*.
- (3) For Committee meetings held in public, audio and visual coverage of the proceedings by the media is permitted. (August 11, 1993)
- (4) Notwithstanding section (3), camera (visual) and audio coverage of a Committee's proceedings may be denied if, in the opinion of the Committee, a witness or witnesses may feel uncomfortable with such coverage. (August 11, 1993)
15. (1) Notice of time and place of each meeting of a Committee shall, not less than twenty-four hours before the time of the meeting:
 - (a) be given in writing to each Member of the Committee;
 - (b) be posted in the House;
 - (c) be posted for the information of the media representatives in the Press Gallery.
- (2) The Standing Committee on Legislative Management may determine the times for its meetings without the necessity of complying with section (1), preceding.
16. (1) No Standing or Special Committee shall, except by leave, sit during the sitting hours of the House.
- (2) Unless otherwise agreed unanimously, the Committee meetings shall be recorded and the recording shall be available, upon request, to Committee Members. Minutes of each meeting are to be prepared for Committee Members.
- (3) A Committee is dissolved by dissolution or prorogation of the House, but the House may, by motion, determine that a Committee is not dissolved by prorogation and may authorize it to continue its inquiries after prorogation.

Divisions

17. All questions before Committee shall be decided by a majority of voices. In the event that the voices are equal, the Chairman shall have the deciding vote.
18. The decision of the Committee shall be determined by the majority of those voting on the question.
19. No Member may raise a question of privilege or a point of order when a Division is being taken.
20. With the exception of proceedings on Private Bills, the Chairman of a Committee may vote only when there is an equality of votes. In giving a casting vote, the Chairman is guided by the same principles as the Speaker in the House.

Reports

21. (1) All Committee reports shall be in writing and signed by the Committee Chairman only.
- (2) A minority report shall not be appended nor received by the House.
- (3) All reports of the Committee shall be presented to the House by a Member of the Committee standing in his place.
- (4) The Member presenting the report shall first move that the report be received and then that the report be adopted.
- (5) Any Member may move that the report be referred to a Committee of the Whole House for its consideration and report.
- (6) Following a motion for adoption, the Committee report may be adopted, amended, rejected or referred back to the Committee for further examination and report.
- (7) All Special and Standing Committees meeting during the intersession shall report to the House not more than ten sitting days from the commencement of the session.

- (8) Executive response to intersessional Committee reports must be made in the House sometime during the session in which the report was tabled. Executive response to other Committee reports must be made during the following session of the Legislative Assembly.
22. The report of a Standing or Special Committee is considered final only after adoption by the House because, until then, the House can refer it back to the Committee with instruction to amend it in any particular.
23. 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.

Remuneration for Witnesses

24. A witness resident outside of Prince Edward Island summoned to attend before a Committee of the House, except in the case of a Committee considering a Private Bill, may be paid in respect of each day's attendance a reasonable sum *per diem* as determined by the Speaker and a reasonable allowance for travelling expenses.

Order and Decorum

25. (1) 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.
- (2) The Chairman is responsible for order and decorum in Committee meetings.
26. All decisions of the Chairman may be appealed within the Committee, but there is no appeal to the House from a Chairman's ruling except by way of a report from the Committee to the House.
27. Procedural difficulties which arise in Committees ought to be settled in the Committee and not brought to the House.
28. A Committee has no authority to punish one of its Members or witnesses before it for an offense committed before it. The Committee may only report any such offense to the House for its determination.

In Camera Meetings

29. (1) As provided in Guideline 14(1), Committees may meet *in camera* provided that a motion is moved and carried to that effect.
- (2) The purpose of an *in camera* meeting is to enable a Committee to be free to discuss, deliberate, negotiate and, on occasion, compromise without the glare of publicity. *In camera* meetings are always held when a Committee is drafting its report and, less frequently, when a Committee may feel it appropriate to hear evidence in private.
- (3) When a Committee, by motion, sits *in camera*, its proceedings are protected by privilege. Any publication of its proceedings, either in written or verbal form is an offense which the House may deal with.
- (4) As for public meetings of Committees, the proceedings of *in camera* meetings may, as a Committee may determine, be recorded and transcribed. Any such transcriptions and recordings are to be considered and marked confidential, and there is to be no release of any tape or transcript beyond the membership of the Committee.

Witnesses

30. The Committee, by majority, decides which witnesses should be called, if any.
31. Every witness attending before any Committee may claim the protection of the House in respect of the evidence called upon to give and may also ask leave to be assisted by (but not speak through) counsel.
32. When the Committee decides that a certain person should appear as a witness, it may direct the Committee Clerk to invite that person to appear; or if necessary, the Committee may adopt a motion requesting that person to be summoned before the Committee.
33. Witnesses are required to answer all questions put to them by the Committee.

Expert Assistance

34. Committees may, with the permission of the House, engage persons with expert knowledge to assist the Committee in its deliberations.