

## Sessional Order 2023

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MOVED BY: Hon. Min. FONTAINE

SECONDED BY:

THAT the following sessional orders are to apply until the start of the 2<sup>nd</sup> Session of the 43<sup>rd</sup> Legislature;

THAT the Assembly's customary procedures and practices remain in effect for Members situated in the Assembly Chamber and committee rooms unless otherwise noted; and

THAT in the event of a discrepancy with the existing Rules, the provisions of these sessional orders are to apply.

### **Virtual Proceedings**

**1** Notwithstanding the *Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba*, the House and the Assembly's Committees can meet from time to time in virtual proceedings using an approved videoconferencing technology platform. These meetings could include Members physically present in the Chamber or committee room and/or Members participating from locations outside of the Chamber or committee room.

### **Definitions**

**2** In these sessional orders

**“committee proceeding”** means a meeting of the Assembly's Committees taking place in a committee room or the Chamber and/or remotely from locations outside of a committee room or the Chamber using an approved videoconferencing technology platform.

**“Moderator”** means a Legislative Assembly employee acting under the authority of the Speaker to facilitate the remote participation of Members in the proceedings.

**“sitting of the House”** means a sitting of the House taking place in the Chamber and/or remotely from locations outside of the Chamber using an approved videoconferencing technology platform.

**“virtually”** means participating in a proceeding of the House or any Committee using an approved videoconferencing platform, with all Rules and practices applying as if the Member was present in the Chamber or committee room.

### **Quorum and attendance**

**3** Members who are participating virtually are to be counted as part of the quorum of 10 Members as set out in sub-rules 5(1) and 76(1) and section 8 of *The Legislative Assembly Act*.

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### **Quorum count**

- 4 If a quorum count is requested during a sitting of the House
- (a) the division bells shall ring for one minute during which time the doors shall remain open and Members may enter the Chamber or join the sitting virtually;
  - (b) once the division bells stop, no further Members may enter the Chamber or join the sitting virtually, with the Moderator to block online access once the division bells have stopped;
  - (c) the Clerk shall then count and announce the number of Members present in their seats in the Chamber and those Members who are present virtually, including the Speaker; and
  - (d) if a quorum of Members is not present, the Speaker must adjourn the House for the sitting day.

### **Notice to participate virtually**

5 Members are to provide notice to the Moderator of their intent to participate virtually on any sitting day.

### **Audio and video functions**

6 Members who are participating virtually must have their audio and video functions enabled with their faces identifiable in order to be included as part of the quorum, to participate in proceedings.

7 Members participating virtually must keep their audio muted until recognized by the Chair and should also mute their audio and turn off their video if stepping away from their screen.

### **Use of electronic devices**

8 Members participating in a sitting of the House or a committee proceeding may use electronic devices in silent mode. During Oral Questions, such devices should be kept on the desk or table and out of the camera's view.

### **Decorum on adjournment**

9 When the House adjourns, Members present in the Chamber shall stand and remain in their places until the Speaker has left the Chamber, while Members participating virtually shall remain in their seat with their video on until the Speaker has adjourned the House.

### **Order in addressing the Chair**

10 Every Member in the Chamber desiring to speak shall rise in their place and address themselves to the Speaker. Members participating virtually should speak from a seated position once recognized.

### **Tabling of document**

11 A Member presenting a report or document to the House while participating virtually must state that they are "tabling" a report or document, and must provide an electronic copy to the Moderator immediately.

### **Motions to be in writing**

12 All motions shall be in writing, except motions to adjourn a debate or to adjourn the House. This includes motions moved by Members participating virtually, which must be submitted electronically to the Moderator once moved.

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### **Motions moved and seconded**

**13** Members must be in attendance, including virtually, to move or second a motion.

### **Conduct during the putting of the question**

**14** When the Speaker is putting a question, all Members are to remain seated and are not to make any noise or disturbance.

### **Request for recorded division**

**15** A recorded division on any question put to the House may be requested by

- (a) a House Leader of a Recognized Party; or
- (b) any Member with the support of three other Members, including Members participating virtually, who raise their hands to show support.

### **No debate permitted**

**16** After all Members have been summoned to the sitting for a division, no further debate shall be permitted.

### **Conduct during stating of the question**

**17** No Member shall enter or leave the sitting whether present in the Chamber or participating virtually during the stating of the question, and may not leave the sitting during the final statement of the question until the division has been conducted and the result of the vote announced.

### **Time limit on division bells**

**18** Not more than one hour after directing that the Members be summoned to the sitting, the Speaker shall

- (a) order that the division bells be turned off;
- (b) state the question again; and
- (c) immediately order the recording of the division.

### **Eligibility of virtual Members to vote**

**19** As soon as the Speaker directs that the division bells be turned off, the Moderator shall take a screenshot of all Members participating virtually. Only those Members with their video turned on who are present in front of their camera at the time the screenshot is taken will be eligible to participate in the division.

### **Requirement to vote**

**20** Every Member present whether in their seat or participating virtually must vote. Voting will first be conducted with the Members seated in the Chamber followed by the Members participating virtually.

### **Conducting the vote**

**21** For the Members participating virtually, the vote will be conducted by calling the names of Members individually starting with the Leaders of Recognized Parties and then alphabetically by surname, with each Member to say “I vote yes” or “I vote no” when their name is called.

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### **Request for recorded division in a Committee of the Whole House**

**22** A recorded division on any question put to a Committee of the Whole House may be requested by

- (a) a House Leader from a Recognized Party; or
- (b) any Member with the support of one other Member, including Members participating virtually who raise their hands to show support.

### **Conducting the vote in Committee of the Whole**

**23** Recorded divisions requested in any Committee of the Whole House shall be conducted in accordance with sessional orders 20, 21 and 22.

### **Raising of Points of Order and Matters of Privilege**

**24** Members participating virtually must signal the intent to raise a Point of Order or Matter of Privilege by contacting their Whip, Whip designate or the Clerks, who will then inform the Speaker.

### **Procedure on Point of Order**

**25** A Member addressing the House, if called to order by either the Speaker or on a Point of Order raised by another Member, shall cease deliberations and be seated, and if participating virtually shall mute their audio while the Point of Order is being stated, after which the Member may explain.

### **Privilege rulings subject to challenge**

**26** The Speaker shall determine if a *prima facie* case of privilege has been established and provide the House with a rationale for this decision. Rulings of the Chair dealing with Matters of Privilege may be challenged by

- (a) a House Leader from a Recognized Party; or
- (b) any Member with the support of three other Members; including Members participating virtually who raise their hands to show support.

### **Naming a Member**

**27** The Speaker shall be vested with the authority to maintain order by naming individual Members for disregarding the authority of the Chair and ordering a withdrawal from the Chamber or termination of virtual participation for the remainder of the sitting day.

### **Disregarding an Order of the Chair**

**28** In the event of a Member disregarding an Order of the Chair made pursuant to sessional order 27, the Speaker shall order the Sergeant-at-Arms to escort the Member out of the Chamber or direct the Moderator to terminate the virtual participation of the Member.

### **Suspension**

**29** A suspension under sessional order 28 shall be decided by the Speaker but shall not exceed two weeks, including virtual participation.

**30** If a Member refuses to obey the Speaker's Order to accompany the Sergeant-at-Arms out of the Chamber, the Speaker must then advise the House that force is required to implement the Order. Any Member removed from the Chamber by force is then suspended from all sittings for the remainder of the session.

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### **Moment of silence**

**31** When a moment of silence is observed, Members present in the Chamber are to rise and the Members participating virtually to remain seated.

### **Presentations to Standing Committees**

**32** Public presentations to Bills at Standing Committees may take place remotely or in person, with presenters appearing either virtually or by being present in the committee rooms.

When appearing before a Standing Committee, representatives of a Crown Corporation or an Independent Office of the Assembly may participate in the meeting either in person or virtually.

**33** Except by unanimous consent of the Committee, only the first two members of the public to register to present to a Bill who reside outside the province of Manitoba may present virtually to a Standing Committee considering legislation. There are no limits to out of province presenters who are physically present in the committee room for their presentation.

### **Election of a Speaker**

**34** Only Members physically present in the Legislative Chamber shall be eligible to receive a ballot paper and vote in the election of a new Speaker. Members may join proceedings virtually but will be unable to cast a vote.

### **General Provisions**

**35** After adoption by the House, this Sessional Order may be amended only by

- (a) unanimous consent of the House;
- (b) passage of a subsequent Sessional Order by the House; or
- (c) written agreement of all House Leaders of Recognized Parties if the House is not sitting.