

Standing Committee on  
Rules and Procedures



# Report on Remote Sittings

19<sup>th</sup> Northwest Territories Legislative Assembly

Chair: Mr. Kevin O'Reilly

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RULES AND PROCEDURES**

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**STANDING COMMITTEE ON  
RULES AND PROCEDURES**

**REPORT ON REMOTE SITTINGS**

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**STANDING COMMITTEE ON  
RULES AND PROCEDURES**

**REPORT ON REMOTE SITINGS**

**INTRODUCTION**

The Standing Committee on Rules and Procedures (Committee) is pleased to report on remote sitings.

The ongoing COVID-19 pandemic has presented new difficulties and challenges to legislative assemblies

On June 10, 2020, the *Legislative Assembly and Executive Council Act* was amended to add s.4.1 which:

- Allows the Legislative Assembly to conduct all or part of a session by video- or tele-conference if the Speaker believes exceptional circumstances require it.
- The Speaker may allow a Member to participate remotely for all or part of a session.
- A Member participating remotely may vote as though they were present in person.

**BACKGROUND**

During the debate on this amendment, it was noted the Speaker would need some guidance on how and when to use his discretion.

On August 12, 2020, the Speaker wrote to the Committee with three questions for consideration:

1. What exceptional circumstances would warrant conducting a sitting by way of teleconference or videoconference?
2. In what circumstances would it be appropriate for the Speaker to authorize an individual Member to participate in all or a portion of a sitting by teleconference or videoconference?

3. What practices, policies or rule amendments would be required to address the situation of a Member appearing and voting by teleconference or videoconference who loses their connection?

The Committee discussed each question at length, and this report lays out the Committee's position and recommendations on each question, as well as other changes to the rules that should be considered.

### **WHEN SHOULD A SESSION BE HELD REMOTELY?**

The Committee discussed several potential scenarios, including severe weather, pandemics, massive travel disruptions, the loss of the Assembly building, and declared states of emergency. The Committee agreed that states of emergency declared under the *Emergency Management Act* or the *Public Health Act* could be a reason to hold part or all of a session virtually. The Committee decided against an exhaustive list of other scenarios and felt it best that the Speaker consult with the Executive Council and Members and then make a decision. Therefore, the Committee recommends:

#### **Recommendation 1**

The Standing Committee on Rules and Procedures recommends that the rules of the Assembly authorize the Speaker to conduct part or all of a session remotely using an approved platform in the event of a state of emergency declared for the entire territory under the *Emergency Management Act*, or a public health emergency declared under the *Public Health Act*.

Further, that the rules authorize the Speaker to convene part or all of a session remotely if the Speaker is satisfied, after consultation with the Executive Council and Members of the Legislative Assembly, that the health, safety or wellbeing of Members would be at risk by meeting in person.

The Committee also discussed whether a remote sitting would require the Speaker or Deputy Speaker to preside from the Chamber with the Mace. The Committee decided that making the Speaker or Deputy Speaker travel to preside over the sitting was unnecessary.

**Recommendation 2**

The Standing Committee on Rules and Procedures recommends that the Mace, as a symbol of the authority of the people of the Northwest Territories, should be placed in the Chamber on its normal stand if possible, and if not, displayed in another manner in keeping with its symbolic significance during any remote sitting of the Assembly.

The Committee decided against making a formal recommendation on whether table officers need to be in the Chamber, leaving that decision to the discretion of the Speaker.

**WHEN SHOULD A MEMBER BE ALLOWED TO ATTEND A SESSION REMOTELY?**

The Committee had a lengthy discussion on what reasons an individual Member may have to appear remotely for a sitting. The Committee discussed whether the Speaker should have the discretion to approve any reason, or if the Committee should provide some guidance. The Committee felt that being an elected Member is both a privilege and a responsibility. The Committee believes that Members should make every available effort to be present in person when the House is sitting.

The Committee discussed when it would be appropriate for a Member to attend remotely. It was agreed that the Speaker should only allow a Member to attend remotely upon request of that Member. The Committee felt that the guidelines to attend remotely should be clear, consistent, and narrow. The Committee believes any absence from the territory for personal travel was not reasonable grounds to allow a Member to attend remotely. The Committee felt that Members travelling for official business should not be expected to attend remotely.

The Committee agreed on the following reasons for a Member appearing remotely:

- a state of emergency in the Member's home community that prevented travel;
- an order of the Chief Public Health Officer prohibiting the Member's travel;
- any other time when the Speaker believes the Member's safety or health would be at risk.

Therefore, the Committee makes the following recommendation:

**Recommendation 3**

The Standing Committee on Rules and Procedures recommends that the Rules authorize the Speaker to allow a Member to attend all or part of a session remotely when that Member is unable to travel due to a state of emergency being declared in the Member's home community; the Member is under an order of the Chief Public Health Officer prohibiting travel; or the Speaker believes travel would put the Member's health or safety at risk.

**WHAT PRACTICES, POLICIES OR RULE AMENDMENTS ARE REQUIRED FOR A MEMBER PARTICIPATING BY TELECONFERENCE OR VIDEOCONFERENCE?**

Any Member participating remotely has the same rights and privileges as if they were physically present in the Chamber.

The Committee discussed various issues that could affect a remote sitting, including experiences of other legislatures during the pandemic. There are several rules that will need to be revised to allow for remote sittings. Other rules need to be clarified, and some new rules are needed. The Committee is also recommending revised Orders of the Day for when the House is meeting remotely.

**Decorum**

Rule 12(10) states "When in the Assembly every Member shall be attired in traditional Indigenous attire or in a manner that does not offend the dignity of the Assembly." While it should be clear that any Member appearing remotely should follow this rule, the Committee also believes some flexibility should be used when interpreting this rule as Members may not have their normal business clothing with them. Therefore, the Committee makes the following recommendation:

**Recommendation 4**

The Standing Committee on Rules and Procedures recommends that Rule 12(10) apply when a Member is appearing remotely.

The Committee discussed examples from other legislatures and their committees which could have an impact on House proceedings. These included family members interrupting a Member when on a teleconference or videoconference; campaign materials being visible on screen; pets blocking the camera; and other behaviours that would not be acceptable if they happened in the Chamber.

The Committee felt that there should be no unnecessary distractions to the House by a Member appearing remotely.

To minimize the amount of background noise, and to ensure a Member is heard as clearly as possible, the Committee makes the following recommendation:

**Recommendation 5**

The Standing Committee on Rules and Procedures recommends that training and orientation for online sitings should be provided. Furthermore, the Board of Management should look at providing a headset to each Member to ensure consistency and any Member attending remotely be required to wear a headset.

The Committee felt it would be inappropriate for a Member appearing remotely by videoconference to have anything onscreen that could be considered a prop, display or exhibit. This would include items such as election signs, anything that could be considered commercial advertising, or a visually distracting background. Legislative Assembly staff should investigate a consistent or common background that could be used by all Members. Therefore, the Committee makes the following recommendation:

**Recommendation 6**

The Standing Committee on Rules and Procedures recommends that any Member attending remotely by videoconference be required to have a neutral background on screen.

Further, if the Speaker determines a background is distracting to the House, the Speaker be empowered to order the Member to rectify the issue, and if the Member refuses, to turn off the Member's video and allow the Member to participate via audio only.

**Voting**

The Committee discussed how best to conduct voting when all or some Members are participating remotely. The main concerns were making sure that all Members are able to vote, and what to do if a Member is disconnected before or during a vote.

As the *Legislative Assembly and Executive Council Act* allows teleconference or videoconference options, the Committee felt the best way to vote was by recorded vote instead of relying on a visual count. The Clerk would call upon each Member to vote, the Member would say how they are voting, the Clerk would record the vote and move onto the next Member. As there are many routine voice votes during a sitting day, the Committee felt that only those votes dealing with bills or motions should be recorded.

**Recommendation 7**

The Standing Committee on Rules and Procedures recommends that whenever a Member is attending session remotely, all votes on Readings of Bills, or on any motion that requires notice be conducted as a recorded vote.

In the event a Member loses their connection before voting, that Member must contact the table officer on duty as soon as possible to register their vote. If there is no response when the Clerk or designate calls the Member, the Clerk would call the Member two additional times, and if the Member has still not responded, proceed to the next Member and continue the vote. After the Clerk has gone through the list, he or she would confirm if the Member who had lost connection has submitted a vote through alternative means, and announce to the House how that Member voted. If a connection is re-established before the results of the vote are announced by the Speaker, the Clerk shall call on the Member to cast their vote. The Speaker should allow three minutes from the end of the roll call for a Member to contact the Table Officer with their vote before announcing the results.

**Recommendation 8**

The Standing Committee on Rules and Procedures recommends that when a Member attending remotely loses their connection just prior to or during a vote, that the Member immediately contacts the Table Officer to register their vote, and that the Clerk will announce to the House how that Member voted at the end of the roll call. Three minutes will be counted from the end of the roll call to when the Speaker announces the results if a Member has lost connection prior to voting to allow the Member time to contact the Table Officer.

The Committee also discussed what should happen if a Member loses connection and is unable to contact the Clerk. An example is if all telecommunications are lost in their community. Another scenario considered was if the Member, while still connected, did not respond when called to vote. In both of these cases, the Committee determined that rule 12(5) would apply, notably "If a Member enters the Chamber when a question has been put, not realizing this is the case, they shall not vote on that question." In other words, once the Speaker calls for a vote, it is the responsibility of each Member to vote. The Committee understands the difficulties of remote sitings, and therefore makes the following recommendation:

**Recommendation 9**

The Standing Committee on Rules and Procedures recommends that when conducting a roll call, the Clerk call on the mover of the motion, followed by each Member attending remotely by order of their normal seat in the House, then each Member seated in the Chamber. For Members attending remotely, they will be called no more than three times for their vote before the Clerk moves on to the next Member.

**Oral and Written Questions**

The Committee discussed what would happen if a Member attending remotely lost their connection partway through asking a Minister a question. The Committee felt that if the Member was able to reconnect before the end of Oral Questions, the Speaker would allow the Member to continue their questions. If the Member could not connect before the time allowed for Oral Questions expired, the Member should be allowed to submit the question and up to three supplemental questions in writing and to have the question included in Hansard with a note that the question was submitted in writing due to a lost connection. The Minister would have 2 sitting days to respond under Returns to Oral Questions. The Committee felt that this should not be treated as taking the question as notice, as that would prevent another Member from asking a related question. The Committee also felt that the submitted question should not count towards the Member's limit of Written Questions on the Order Papers.

**Recommendation 10**

The Standing Committee on Rules and Procedures recommends that during Oral Questions, if a Member attending remotely is disconnected while asking a question, if the Member is successful in reconnecting before the allotted time expires, the Speaker will allow the Member to continue their questions. If the Member is not able to reconnect before the allotted time expires, the Member may choose to submit the full question and up to three supplemental questions in writing, and that the Minister would have two sitting days in which to respond.

If a Member of the Executive Council attending remotely loses their connection during Oral Questions and a Member asks a question under that Minister's portfolio, the Committee felt that the Premier or in her absence, the Deputy Premier, should take the question. The Premier or Deputy Premier could choose to try and answer the question, or may take it as notice.

**Recommendation 11**

The Standing Committee on Rules and Procedures recommends that if a Minister attending remotely loses their connection when a question has been asked to that Minister, then the question shall be redirected to the Premier or designate to respond.

The Committee discussed the process for Written Questions. As all Written Questions must be filed with the Clerk prior to the sitting day, the Committee had no concerns with the established process being conducted remotely. The only issue Committee could identify was in the event that a Member lost their connection before being able to put their Written Question to the House. The Committee felt that the question should be announced but not read by the Clerk, and added to the Order Papers, as well as being printed in full in Hansard. Therefore, the Committee makes the following recommendation:

**Recommendation 12**

The Standing Committee on Rules and Procedures recommends that when a Member files a Written Question with the Office of the Clerk, the Member should note if, in the event the Member loses their connection, the Written Question can be announced by the Clerk and be printed in its entirety in Hansard.

**Ministers and Members Statements**

The Committee discussed what rules were needed for Members and Ministers Statements during remote sitings. For Ministers Statements, the Committee felt that as these were well circulated on government websites and social media, in the event a Minister was unable to conclude a statement due to lost connection, no special provisions were required.

As Members do not have the same level of support to make the public aware of a statement, the Committee felt a new rule was needed for Members Statements. The Committee decided that a Member participating remotely can file their statement with the Clerk in writing at least one hour before the House sits. In the event a Member loses their connection while giving their statement, there are two options available. The submitted statement could be printed in Hansard with a notation, or if the Member reconnects before the end of Member's Statements, the Member can ask to be put back on the list to speak. The Member would then be allowed to conclude their statement. The statement would then be printed in full in Hansard, with the first attempt printed up to the point when the Member was cut off.

**Recommendation 13**

The Standing Committee on Rules and Procedures recommends that in the event a Member loses connection while delivering a Member's Statement, that the Speaker ask the Member to conclude their statement once they are reconnected, provided the House has not moved to another order. In the event that the Member's Statements has been concluded when the Member reconnects, the Member's statement would be printed in full at the end of Member's Statements.

**Revised Orders of the Day for fully remote sittings**

The Committee reviewed the Orders of the Day for any orders that may need changes during a remote sitting of the entire Assembly. In addition to the changes already discussed in this report, the Committee recommends that the following orders, or the rules associated with those orders, be amended:

**Prayer**

Members should remain seated during the prayer, and keep a respectful demeanour.

**Reports of Standing and Special Committees**

Only an executive summary of the report should be read. The rest of the report will be deemed read and be printed in full in Hansard.

**Replies to the Commissioner's Address**

As this item allows Members to speak with no time limit on any topic, the Committee felt it could present issues during a remote sitting. Since Members can make one reply at any time during a session, the Committee felt it was reasonable to drop "Replies to the Commissioner's Address" from the Orders of the Day during a fully remote sitting of the Legislative Assembly.

**Replies to the Budget Address**

In the event that a budget address is given during a remote sitting, under the rules there are only 7 possible days a Member can reply. The Committee discussed how best to deal with replies. In the event that a Member is disconnected while giving a reply, the Member can resume with the time remaining on the clock on the next day. If the Member was cut off on the last day, the Member may submit their full statement in writing and it will be printed in full in Hansard.

**Motions**

During a remote sitting of the Assembly, the Committee felt allowing Motions to be called for three days, rather than two, before being dropped from the Orders. If a Member is disconnected during a debate on a

motion, that Member must make every effort to reconnect. The proceedings will not be halted, and if the Member is unable to reconnect, they can contact the Table Officers to record their vote. All votes will be recorded votes conducted pursuant to Recommendation 9.

### **Second Reading of Bills**

Members will have the option of submitting a written statement to the purpose of the Bill that will be printed in full in Hansard.

### **Recommendation 14**

The Standing Committee on Rules and Procedures recommends that the House adopt a revised daily order of business in the Rules of the Legislative Assembly for a remote sitting, pursuant to the changes listed in this report.

## **CONCLUSION**

The Committee recognizes that how Legislative Assemblies across the country operate have had to undergo many changes due to the pandemic. The operating procedures have been adapted quickly with mixed results, with numerous technical issues that may impact individual Members or the Assembly as a whole. To ensure all Members are aware of different procedures during a partial or fully remote sitting, the Committee therefore recommends:

### **Recommendation 15**

The Standing Committee on Rules and Procedures recommends that the Legislative Assembly direct the Office of the Clerk to produce a reference guide for Members and staff outlining key changes and best practices to be used while sitting remotely. Further, that the Office of the Clerk be mandated to update the reference guide as needed as new practices are identified.

In the event of a fully remote sitting, the Committee felt that a review should be done afterwards to see if any additional changes would be needed. Therefore, the Committee recommends:

### **Recommendation 16**

The Standing Committee on Rules and Procedures recommends that after any remote sitting, the Standing Committee on Rules and Procedures be tasked with conducting a review and to provide any recommendations for improvements.

Finally, nothing proposed here limit's the Speaker's authority to manage the daily operations of the Assembly and the sittings of the House. The Speaker must retain discretion to apply the rules of the House to accommodate any Members participating remotely and to ensure the dignity of the House is upheld.

This concludes the Committee's report. The Committee thanks the Speaker for the opportunity to provide recommendations on this timely and important matter.