

Special Committee to Review Private Members' Business
REPORT



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

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LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

October 5, 2023

To the Honourable
Legislative Assembly of the
Province of British Columbia

Honourable Members:

I have the honour to present herewith the Report of the Special Committee to Review Private Members' Business.

Respectfully submitted on behalf of the Committee,

Michele Babchuk, MLA
Chair

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COMPOSITION OF THE COMMITTEE

Members

Michele Babchuk, MLA, Chair
North Island

Michael de Jong, K.C., MLA, Deputy Chair
Abbotsford West

Bob D’Eith, K.C., MLA
Maple Ridge-Mission

Rick Glumac, MLA
Port Moody-Coquitlam

Michael Lee, MLA
Vancouver-Langara

Ronna-Rae Leonard, MLA
Courtenay-Comox

Adam Olsen, MLA
Saanich North and the Islands

Doug Routley, MLA
Nanaimo-North Cowichan

Jinny Sims, MLA
Surrey-Panorama

Jackie Tegart, MLA
Fraser-Nicola

Committee Staff

Artour Sogomonian, Clerk to the Committee

Jennifer Arril, Clerk of Committees

Ron Wall, Manager, Committee Research Services

Danielle Migeon, Committee Researcher

Mary Newell, Parliamentary Committees Officer

Sean Morgado, Committees Coordinator

TERMS OF REFERENCE

On February 27, 2023, the Legislative Assembly agreed that a Special Committee to Review Private Members' Business be appointed and empowered to examine the current use of time for Private Members' business by the Legislative Assembly of British Columbia and other parliamentary jurisdictions in Canada, and to make recommendations on possible improvements to the consideration of Private Members' business, specifically, Private Members' bills and Private Members' motions, in the Legislative Assembly of British Columbia.

That the Special Committee have the powers of a Select Standing Committee and in addition be empowered to:

- a) appoint of its number one or more subcommittees and to refer to such subcommittees any of the matters referred to the Special Committee and to delegate to the subcommittees all or any of its powers except the power to report directly to the House;
- b) sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c) conduct consultations by any means the Special Committee considers appropriate;
- d) adjourn from place to place as may be convenient; and
- e) retain personnel as required to assist the Special Committee.

That the Committee report to the House by October 5, 2023; and that during a period of adjournment, the Committee deposit its reports with the Clerk of the Legislative Assembly, and upon resumption of the sittings of the House, or in the next following Session, as the case may be, the Chair present all reports to the House.

That the Special Committee of Selection prepare and report with all convenient speed the Members to compose the Special Committee to Review Private Members' Business.

EXECUTIVE SUMMARY

The Special Committee to Review Private Members' Business was appointed on February 27, 2023 to make recommendations on possible improvements to the time set aside every sitting week to consider parliamentary business put forward by Private Members (i.e., Members of the Legislative Assembly who do not concurrently serve as a Cabinet Minister). In undertaking its work, the Committee studied how the Legislative Assembly of British Columbia currently uses Private Members' Time, paying particular attention to the consideration of bills and motions. The Committee also examined procedures and practices in other parliamentary jurisdictions in Canada and abroad.

The Committee makes 13 recommendations intended to improve the use of Private Members' Time, increase equity, and creating more opportunities for Private Members to participate in debate and propose and advance legislative initiatives. This report begins with a description of the Committee's work and an overview of Private Members' business in BC and other jurisdictions that follow the Westminster parliamentary system. Each subsequent section discusses a key aspect and includes a summary of the current practice in BC, details on practices and procedures in other jurisdictions (where applicable), followed by a summary of the Committee's deliberations and conclusions, and a list of the recommendations that pertain to that area. The order of the themes and recommendations does not reflect priority.

Committee Members note that there is limited time set aside each week for the consideration of Private Members' business and recognize the need to make more efficient use of the two hours available. To address this issue, the Committee recommends restructuring Private Members' statements to provide the opportunity for more Members to make statements. As part of this, the Committee also recommends reducing the amount of time dedicated to Private Members' statements from one hour to 30 minutes

to allow more time to consider Private Members' bills and motions. This allows for a balance between raising matters of local and provincial importance through statements and debating motions and proposed legislation.

The Committee acknowledges the need for additional opportunities for Private Members to participate in proceedings and for substantive debate on, and formal conclusion of, their items of business. To that end, the Committee makes recommendations regarding overall time limits for the consideration of Private Members' motions and the various stages of consideration of a bill. In addition, to provide certainty on the ability of Private Members' bills to advance through all stages of the legislative process and become law, the Committee also makes recommendations on time limits for certain stages of consideration of Private Members' bills; committing bills to a new Select Standing Committee to enable greater scrutiny at committee stage consideration; and reinstating bills after the end of a Session within the same Parliament so that progress is not disrupted.

To ensure fairness and equity for all Private Members in the Legislative Assembly, the Committee further recommends adopting a lottery system to determine the order of Members bringing forward motions and bills. This mechanism ensures predictability while allowing all Members who put forward a motion or a bill an equal opportunity to have it considered.

To increase the likelihood of success, the Committee recommends implementing the proposed changes prior to the dissolution of the 42nd Parliament to take in effect in the 43rd Parliament, and a review by a parliamentary committee three years after implementation.

THE WORK OF THE COMMITTEE

The Legislative Assembly appointed a Special Committee to Review Private Members' Business on February 27, 2023. The Committee's mandate is to examine the use of time for Private Members' business including opportunities to advance parliamentary business put forward by Private Members.

The Committee reviewed practices related to Private Members' business in BC and other Canadian jurisdictions. Committee Members considered various aspects of Private Members' Time, including Private Members' statements, motions, and bills, in making their recommendations.

Meeting Schedule

The Committee's work took place over the course of the following meetings.

May 10, 2023

- Election of Chair and Deputy Chair
- Organization and planning

June 29, 2023

- Deliberations (Virtual)

September 15, 2023

- Deliberations (Virtual)

September 25, 2023

- Deliberations (Virtual)

September 29, 2023

- Deliberations (Virtual)

October 3, 2023

- Deliberations

October 3, 2023

- Deliberations
- Adoption of Report

Committee documents, transcripts and minutes are available on the Committee's website: www.leg.bc.ca/cmt/pmb.

BACKGROUND: PRIVATE MEMBERS' BUSINESS

In Westminster parliamentary systems, elected Members represent their constituents and their concerns in parliament, debate and vote on budgets and legislation, and scrutinize the executive branch of government. Most Members also work as part of a caucus to develop policy and strategy. With certain exceptions based on jurisdiction, elected Members who are not a Member of Cabinet are referred to as Private Members. In British Columbia, all Members of the Legislative Assembly who are not concurrently serving as a Member of the Executive Council (Cabinet) are known as Private Members.

It is the role of Members of the Executive Council, who are charged with governing, to propose budgets and introduce bills which go on to become laws. These items of business dominate the work of the Legislative Assembly when it is sitting.

In many jurisdictions that follow the Westminster parliamentary system, a portion of each sitting week is set aside for the consideration of Private Members' business. This can take different forms, but frequently includes Private Members' statements, motions, and bills. Private Members' statements provide Members with the opportunity to discuss a wide range of topics related to their individual constituencies. Motions allow for debate and typically propose that the House declare its opinion on a topic or order a certain course of action to be taken. Private Members' bills are limited to measures which do not involve spending public revenue, introducing a tax, or touching on constitutional provisions. Common types of Private Members' bills include proclaiming commemorative days or months, developing health frameworks, and designating symbols such as a tartan or animal. While only a small percentage of Private Members' bills generally become law, unsuccessful bills can still shape public policy by creating public awareness and laying the groundwork for government legislation.

Since 2001, two hours have been set aside every Monday morning for Private Members' Time in the Legislative Assembly of British Columbia. Private Members' statements occur during the first hour of proceedings. The second hour can be used to consider Private Members' motions or bills; in practice, the Legislative Assembly typically considers Private Members' motions during this time.

USE OF PRIVATE MEMBERS' TIME AND ORDER OF MOTIONS AND BILLS

Current Practice and Procedures in the Legislative Assembly of British Columbia

In the Legislative Assembly of British Columbia, Monday morning sittings (from 10:00 a.m. to 12:00 p.m.) are set aside for Private Members' Time. The sequence of business prescribed in the Standing Orders for this time is as follows:

- Private Members' Statements;
- Private Members' Motions;
- Public Bills in the Hands of Private Members;
- Private Bills;
- Public Bills and Orders and Government Motions on Notice.

The first hour is used for Private Members' statements (for more detail, see the Private Members' Statements section). In practice, the second hour is dedicated to the consideration of Private Members' motions (for more detail see the Private Members' Motions section).

While Private Members' bills may be considered, it has been rare for this to happen. Due to the sequence of business, bills will only be considered at second reading once the question on all motions on the Orders of the Day (Order Paper) has been put and decided, or if unanimous consent of the Legislative Assembly is obtained by a Member to move to an item of business that does not follow the sequence listed on the Order Paper (for more detail see the Private Members' Bills section).

Jurisdictional Scan

Like in BC, many jurisdictions across Canada also allocate two hours every sitting week to Private Members' business. Notable exceptions are Alberta (with 87 Members, like BC) and Ontario (124 Members) with three hours each week,

and the House of Commons of Canada (338 Members) with five hours per week.

How that time is allocated also varies across jurisdictions. Some prioritize Private Members' motions, while others provide opportunities for Private Members to advance their own legislative initiatives. For example, Alberta divides its Private Members' Time, with the first two hours dedicated to bills, and the final hour to motions. Others, like Ontario and the House of Commons of Canada, allow Members to decide whether to bring forward a motion or a bill.

Some Canadian jurisdictions, use a lottery system to determine the order of precedence assigned to Private Members to bring forward an item of business. Other Commonwealth jurisdictions use different systems. For example, in New Zealand's House of Representatives, a hybrid system is employed, combining a lottery with input from an all-party committee, while Australia's House of Representatives uses a caucus-driven system.

Committee Discussion

Use of Time

The Committee discussed how to make best use of the two hours allotted for Private Members' business each sitting week and unanimously agreed that the current approach does not provide the best value to Private Members.

Committee Members explored two main options: keeping Private Members' statements but reducing the time to 30 minutes; and dropping statements altogether and dedicating the entire two-hour period to debating motions or bills. Members were of the view it was important to find a balance between ensuring Private Members continue to have the opportunity to raise matters of local or personal importance while also enhancing opportunities to debate

motions and put forward and debate proposed legislation. The Committee noted that reducing the time for Private Members' statements from one hour to 30 minutes would preserve Members' ability to raise matters of local, provincial, or personal importance, while also freeing up additional time for the consideration of Private Members' motions or bills. Committee Members agreed that the redistribution of time, which would result in approximately 75 minutes of debate on motions and bills each week, would provide space for Members to propose and debate ideas of public policy through these mechanisms.

Process for Selecting Motions and Bills for Debate

Committee Members discussed at length the best process to determine which motions and bills would be considered for debate. The Committee discussed two main options: a caucus-driven system, which would allow each caucus to internally manage and determine which item of business would be called for debate, and a lottery system.

With respect to the caucus-driven system, Members noted that one issue would be determining a rotation amongst the caucuses. The Committee discussed what the rotation could look like, considering factors such as party standings in the Legislative Assembly as well as the number of Private Members in each caucus. Some Members noted that placing greater emphasis on the number of Private Members in a caucus would go further to empowering individual Private Members rather than a rotation based on party standings.

The Committee noted that the caucus-driven system would allow current, priority issues to be raised in a timely manner and would preserve party representation, for example, by ensuring that a third or fourth party would get an opportunity to bring forward an item for debate on a regular, rotational basis.

Committee Members noted that some other jurisdictions use a lottery system to create a list and order of Private Members at the beginning of each Parliament, which extends for the life of a Parliament. Members appreciated that this approach provides predictability for Members wishing to bring forward Private Members' motions and bills and ensures the broadest participation of Private Members. It also provides the benefit of allowing Members to exchange places on the lottery to respond to changing circumstances or take the place of a Member who may not be ready or wish to advance an item of business at their designated time.

The Committee also discussed possible drawbacks of a lottery system. Members noted that it is possible that Private Members from one party may have the opportunity to advance motions or bills several weeks in a row, which may be a source of frustration. In addition, small caucuses would only receive an opportunity a couple of times during the life of a Parliament to advance motions or bills.

Committee Members felt strongly that fairness and an equitable approach should be at the centre of a new system, and as such, agreed to support the lottery system as the method of determining the order of Private Members' motions and bills.

RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that the Standing Orders be amended to:

1. Restructure the order of business on Monday morning sittings, being Private Members' Time, to provide for the consideration of Private Members' motions and bills following the 30-minute time allotment for Private Members' statements (see recommendation 3), and that motions and bills have equal precedence in the order of business.

2. Establish a lottery system to determine the precedence assigned to each Member for the consideration of Private Members' motions and bills. The lottery system should:
 - a. be administered by the Clerk of the Legislative Assembly at the beginning of a Parliament;
 - b. allow Private Members to decline to participate in the lottery through an opt-out approach and to switch places with another Private Member;
 - c. allow for revisions to the listing to account for changes in Private Members during the life of a Parliament and to re-introduce Private Members to the listing at the bottom of the listing if a bill they introduced is ruled out of order by the Speaker; and
 - d. prescribe the order assigned to each Private Member for the consideration of a bill or a motion to be brought forward during Private Members' Time during the life of a Parliament, to be appended to the Orders of the Day (Order Paper).

PRIVATE MEMBERS' STATEMENTS

Current Practice and Procedures in the Legislative Assembly of British Columbia

Private Members' statements allow Members to discuss a wide range of topics related to their constituencies or to the province at large, including evolving issues and priorities.

During Private Members' Time, four Private Members may make a statement. Each statement is a maximum of 15 minutes. This time is divided with a maximum of seven minutes for the proponent, up to five minutes for any other Members, and a maximum of three minutes for the proponent's reply (commonly referred to as the 7/5/3 model). The Standing Orders provide that the order in which statements are considered is determined by the Speaker using a draw system. In practice, statements are selected by agreement amongst caucuses. Standing Order 25A provides that statements are to be confined to one matter; are not to revive discussion on a matter which has been discussed in the same Session; cannot anticipate a matter which has been previously appointed for consideration by the House; and cannot be used to raise a question of privilege.

Committee Discussion

As part of the discussion about the best use of Private Members' Time, the Committee raised concerns about the current format of Private Members' statements. Members noted that it was inefficient and could be adjusted to allow more Members to participate.

Reflecting on their experience and the comments of other Members, the Committee concluded that the 7/5/3 model should be replaced with a single, non-debatable statement by the proponent. Committee Members noted that this change would increase the number of statements that could be delivered while also enabling a reduction in the total time dedicated to statements (thereby providing more time

for the consideration of motions and bills). The Committee agreed that the total time could be reduced to 30 minutes, allowing Members to deliver a statement of up to five minutes. Committee Members agreed that this approach would provide a regular opportunity for Private Members to speak about issues that matter to them, their communities, and the province, and noted the importance of having a longer speaking time available to differentiate between the two minute Private Members' statements delivered prior to Oral Question Period on every sitting day.

The Committee also discussed an approach that would allow Members to share or split their statement speaking time. Committee Members recognized the appeal of doing this, in that it would allow more Members to deliver statements, but noted some of the logistical challenges that may arise out of such a provision. Ultimately, the Committee decided not to make a formal recommendation on splitting of time but agreed that it may be something to consider in the future. Members also noted that there may be extraordinary circumstances where the division of time can be altered on occasion as facilitated through normal channels of discussions amongst the House Leaders.

RECOMMENDATION

The Committee recommends to the Legislative Assembly that the Standing Orders be amended to:

3. Restructure the order of business on Monday morning sittings, being Private Members' Time, to provide for an up to 30-minute period for Private Members' statements, permitting Private Members to deliver a statement of up to five minutes on a matter of importance to the Member, without restrictions on partisan content. The restrictions attached to statements as currently provided in Standing Order 25A(4) and (5) should remain. The per caucus allocation and rotation of statements should be left to the determination of the Whips, who should advise the Speaker of the topic in advance, mirroring the provisions of Standing Order 25B.

PRIVATE MEMBERS' MOTIONS

Current Practice and Procedures in the Legislative Assembly of British Columbia

As previously noted, the second hour of Private Members' Time is dedicated to Private Members' motions. Standing Order 27(1) provides that non-government business must be considered in the order in which it appears on the Orders of the Day (Order Paper). However, the practice has been for the motion up for debate to alternate between a government and an opposition Member each week based on a caucus-driven system, regardless of its precedence on the Order Paper. As a result, unanimous consent of the Legislative Assembly is sought to proceed to the chosen motion.

While the Standing Orders provide longer speaking times, by longstanding practice, Members are limited to five minutes. Private Members' motions are rarely brought to a vote; debate is typically adjourned at the conclusion of the sitting and the motion remains on the Order Paper until prorogation or dissolution of the Legislative Assembly.

Jurisdictional Scan

Many jurisdictions in Canada provide regular opportunities for Private Members to bring forward motions. Some jurisdictions, such as Nova Scotia, designate a weekly time for the debate of Private Members' motions. Alberta, Ontario, and the House of Commons set aside one to two hours for Private Members who decide to bring forward a motion for debate during Private Members' Time.

Some jurisdictions, such as Nova Scotia, enable the debate of Private Members' motions without bringing them to a vote. In Alberta, Ontario, and the House of Commons, debate on Private Members' motions results in the question being put and a vote thereon.

Speaking times on Private Members' motions vary across jurisdictions. Jurisdictions which enable debate and votes on Private Members' motions typically have shorter speaking times, compared with lengthier speaking times which apply to other types of motions. For example, Alberta, Ontario, and the House of Commons have speaking times of between 10 and 15 minutes.

Committee Discussion

Committee Members reflected on the current practice in BC of routinely adjourning the debate on motions rather than putting them to a vote and were of the view that it would be preferable to conclude items of business. Members agreed that setting an overall time limit is a means to facilitate that.

With the reduction of time allocated for Private Members' statements from one hour to 30 minutes, as noted above, this leaves up to 75 minutes on Monday morning (which includes buffer time to provide for other routine proceedings) for the consideration of other business, including debate on Private Members' motions (and bills, covered in the next section of this report). Members were of the view that an overall time limit of debate on a motion should align with the 75 minutes. The Committee also recognized the importance of ensuring Members have sufficient opportunity to participate in debate, and, as such, supported formalizing a five minute speaking time limit.

RECOMMENDATION

The Committee recommends to the Legislative Assembly that the Standing Orders be amended to:

4. Provide for the mover of a Private Member's motion and all Members speaking to the question to have a speaking time of five minutes (including the mover's right of reply to close debate), with a maximum allotment of 75 minutes for debate before the question is put. If debate lapses or at the conclusion of the 75 minute time limit, whichever comes first, the question on the motion should be put and decided. If the 75 minute time limit has not been exhausted by the hour fixed for adjournment of the sitting, debate should be adjourned and should take precedence on the Orders of the Day (Order Paper) as the continuing item of business at the next Monday morning sitting. Divisions should be taken in accordance with existing Standing Order provisions.

PRIVATE MEMBERS' BILLS

Current Practice and Procedures in the Legislative Assembly of British Columbia

Private Members' bills are legislative proposals that, if enacted, establish new laws or amend existing statutes. However, Private Members' bills cannot be "money bills" in that they cannot affect the financial prerogative of the Crown by raising or spending public funds, cannot affect constitutional matters, and cannot affect the other prerogatives of the Crown such as the power to make trade agreements. If passed, they have the same force of the law and legal effect as all other laws enacted by the Legislature. As previously noted, Private Members' bills rarely proceed past first reading in BC due to the sequence of business during Private Members' Time.

Should a Private Member's bill proceed, it would follow the regular stages of consideration for bills after introduction and first reading (being second reading, committee stage, report stage, third reading, and Royal Assent), and there are no time limits prescribed for debate at each stage. The current practice in BC is for the Speaker, with support provided by the Law Clerk, to provide a ruling on admissibility at second reading. The sponsor of the bill has typically been permitted to make a brief statement prior to the ruling as this is often the only occasion the Member will have to speak to the bill.

Private Members' bills are subject to the same speaking time limits for debate at second and third reading as government bills. The mover of the bill may speak for up to 40 minutes, leaders of recognized parties or another Member so designated may speak for up to two hours, and any other Member may speak for up to 30 minutes.

At prorogation, all business before the Legislative Assembly is cleared, including Private Members' bills that have not passed all stages of consideration by the Assembly. As such,

Members wishing to see their bill continue must reintroduce it in a new Session.

Jurisdictional Scan

Canadian jurisdictions follow the same principles regarding limitations around the scope of Private Members' bills and take a similar approach to BC for determining and ruling on admissibility.

There are different approaches to considering Private Members' bills across Canadian jurisdictions. Some legislative bodies in Canada limit consideration to first or second reading, while others enable Private Members' bills to proceed through all stages of consideration. For example, in Nova Scotia, if a Private Member's bill is called for second reading debate, the debate cannot exceed one hour, and even if second reading debate concludes, a vote is not permitted. As such, there is no opportunity for the bill to advance further in the legislative process. On the other hand, in Alberta, Ontario, and the House of Commons, procedures have been established to permit the advancement of Private Members' bills through the full legislative process during Private Members' Time.

In those Canadian jurisdictions where Private Members' bills may advance through all stages of consideration and become law, one to two hours of debate is permitted at second reading and one to two hours is permitted at report stage and third reading collectively. In Alberta, Private Members' bills are considered in a Committee of the Whole, and because this allows for all Members to participate, report stage and third reading are typically brief and routine. On the other hand, in the House of Commons of Canada, report stage and third reading are used as the opportunity for the bill to be considered by all Members. During second reading and report stage and third reading debate, Members

in Alberta, Ontario, and the House of Commons are permitted between 10 and 15 minutes to speak.

With respect to committee stage consideration of Private Members' bills, Alberta uses Committee of the Whole while Ontario and the House of Commons refer bills to a parliamentary committee for scrutiny. In the House of Commons, parliamentary committees must report back on the bill within 60 sitting days; a 30 day extension is available subject to the approval of the House.

Unlike BC, following prorogation, the rules in the House of Commons provide for the automatic reinstatement of Private Members' bills at the stage they had reached in the previous Session.

Committee Discussion

The Committee agreed that the current practice in BC should be adjusted to allow Private Members' bills to advance through all stages of the legislative process and become law. Given this, Members were of the view that the Speaker should provide a ruling on admissibility as soon as possible after introduction and first reading of the bill to provide certainty on its ability to take on parliamentary life. Members discussed the importance of having the Speaker deliver a ruling to the House which includes reasons for why the bill is ruled out of order, and some Committee Members suggested that it may be worth modifying practice to allow Members to make representations to the Speaker to inform the decision. Ultimately, the Committee did not reach consensus on a potential recommendation in this area but agreed that Members should be encouraged to work with the Law Clerk and consult with the Speaker to increase the likelihood of admissibility of a bill after its introduction.

Committee Members were interested in the procedures in other jurisdictions that set an overall time limit for debate of Private Members' bills at second reading stage and supported adopting a similar approach in BC. They noted that this provides for a more efficient use of time and ensures progress on moving Private Members' legislative business forward. Members were of the view that an overall time limit for second reading debate should align with the 75 minute time limit for Private Members' motions.

Members also reflected on shorter speaking time limits in other jurisdictions for Private Members' bills and noted that this enabled an efficient use of limited Private Members' Time, while ensuring a substantive debate and broad participation of Members. While Members recognized that robust debate is important when considering all bills that may become the laws of the province, they acknowledged, drawing on cross-jurisdictional information, that the limitations attached to Private Members' bills may often result in less complex legislative proposals. They concluded that speaking times should be shortened at second reading stage, report stage, and third reading stage.

As it relates to committee stage, the Committee was interested in the committal of Private Members' bills to a parliamentary committee rather than a Committee of the Whole. Members were of the view that a parliamentary committee would be a more effective and suitable venue for detailed scrutiny as it would be able to hear from witnesses and stakeholders and receive submissions, should the parliamentary committee opt to do so. This approach would also help address some of the time constraints on Private Members' business, being limited to Monday mornings. Accordingly, the Committee supported the automatic referral of Private Members' bills to a new select standing committee if the question at second reading is adopted. Drawing on the House of Commons experience, Members recommended requiring this new committee to report back to the House within 30 sitting days.

Members shared the view that the final stages of consideration of a bill by the Legislative Assembly, being report stage and third reading, should occur in the House on Monday mornings to ensure that all Members have an opportunity to participate in debate. Report stage is important for Members to be able to address findings or amendments contained in the report of the parliamentary committee, and third reading is an important final step in the Legislative Assembly's consideration of a bill. The Committee also agreed that a bill at this stage would take precedence on the Orders of the Day (Order Paper) over Private Members' motions and bills at second reading stage to ensure that bills would be able to continue to advance through the legislative process and to enable the House to make a final decision on the bill.

With respect to the effect of prorogation, given the limitations of time, Members agreed that it was important to ensure that the legislative process for Private Members' bills was not disrupted, and therefore favoured the automatic

reinstatement of Private Members' bills at the stage they had reached in the previous Session. This would only apply within the life of a Parliament.

RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that the Standing Orders be amended to:

5. Provide for the sponsor of a Private Member's bill to move second reading with a speaking time of 10 minutes, that all Members speaking to the question at second reading have a speaking time of 10 minutes, and that the sponsor of the bill have a speaking time of five minutes to close debate, with a maximum allotment of 75 minutes for debate before the question is put. If the 75 minute time limit has not been exhausted by the hour fixed for adjournment of the sitting, debate should be adjourned and should take precedence on the Orders of the Day (Order Paper) as the continuing item of business at the next Monday morning sitting. Divisions should be taken in accordance with existing Standing Order provisions.
6. Provide for a Private Member's bill to be automatically committed to a new Select Standing Committee on Private Bills and Private Members' Bills if the question at second reading is adopted by the House. The terms of reference for this Select Standing Committee should empower it to invite the sponsor of the Private Member's bill and to hear from witnesses and stakeholders and to receive submissions. The Standing Order amendments should include a provision requiring the Committee to report back to the House within 30 sitting days. Reports of the Select Standing Committee may be received by the House at the appropriate time prescribed in the Standing Orders, but debate thereon should be limited to Monday morning sittings.
7. Provide for report stage for Private Members' bills to take precedence over second reading of Private Members' bills and Private Member's motions on the Orders of the Day (Order Paper) for Monday morning sittings, to be considered in the order presented to the House.
8. Provide Members with a speaking time of three minutes on the concurrence motion, with a maximum allotment of 15 minutes for debate before the question is put. If the 15 minute time limit has not been exhausted by the hour fixed for adjournment of the sitting, debate should be adjourned and should take precedence on the Orders of the Day (Order Paper) as the first item of business at the next Monday morning sitting. Divisions should be taken in accordance with existing Standing Order provisions.
9. Provide for third reading to take precedence over report stage of Private Members' bills, second reading of Private Members' bills, and Private Members' motions on the Orders of the Day (Order Paper) for Monday morning sittings.
10. Provide for the sponsor of a Private Member's bill to move third reading with a speaking time of five minutes, that all Members speaking to the question at third reading have a speaking time of five minutes, and that the sponsor of the bill have a speaking time of two minutes to close debate, with a maximum allotment of 20 minutes for debate before the question is put. If the 20 minute time limit has not been exhausted by the hour fixed for adjournment of the sitting, debate should be adjourned and should take precedence on the Orders of the Day (Order Paper) as the first

item of business at the next Monday morning sitting. Divisions should be taken in accordance with existing Standing Order provisions.

11. Provide that, after prorogation and in the next Session within the same Parliament, Private Members' bills and motions are reinstated on the Orders of the Day (Order Paper) to their last stage of consideration at the time of prorogation, maintaining their order of precedence.

IMPLEMENTATION

Current Practice in the Legislative Assembly of British Columbia

In BC, substantive changes to parliamentary procedures are typically implemented with broad support among Members. They have a better chance of withstanding the test of time if they are implemented in the earlier life of a Parliament. For example, changes to the Standing Orders were implemented in 1985 following the recommendations of a parliamentary committee established after the 1983 provincial general election. Similarly, in 1973, changes were adopted to implement the recommendations of a parliamentary committee established after the 1972 provincial general election. Changes to the Standing Orders were also made near the outset of the Parliaments that began following the 2001, 2005, and 2017 provincial general elections.

Jurisdictional Scan

In other jurisdictions, procedural changes are also developed with broad political support, based on the principle that House procedures should reflect the interests of all Members. Since significant procedural changes are more likely to have broad support at the beginning of a Parliament than at the later stages, procedural changes typically take effect at the beginning of a new Parliament. In some

cases, procedural changes may be supported in the latter stages of a Parliament to take effect in the next Parliament. For example, major procedural changes at the House of Commons were adopted in 1986, in response to the report of a parliamentary committee established after the 1984 general election.

Committee Discussion

Committee Members took note of the experience in the Legislative Assembly and other jurisdictions where significant changes to parliamentary procedures typically take effect earlier in a Parliament. Members were also of the view that a lottery system to establish a list of eligible Members for the selection of Private Members' motions and bills would be most effectively implemented at the start of a new Parliament.

Members concluded that to maintain momentum for enhancing the use of Private Members' Time and to provide time for developing procedural changes, changes to the Standing Orders and practices for Private Members' Time should be developed and considered in the current Parliament to take effect at the beginning of the next Parliament. The Committee also agreed that a parliamentary committee should review the changes after three years.

RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that:

12. The changes proposed in this report be procedurally implemented prior to the dissolution of the 42nd Parliament, to take effect in the 43rd Parliament.
13. A parliamentary committee review the provisions for Private Members' Time and the changes effected in the 43rd Parliament three years after their implementation.

LIST OF RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that the Standing Orders be amended to:

1. Restructure the order of business on Monday morning sittings, being Private Members' Time, to provide for the consideration of Private Members' motions and bills following the 30-minute time allotment for Private Members' statements (see recommendation 3), and that motions and bills have equal precedence in the order of business.
2. Establish a lottery system to determine the precedence assigned to each Member for the consideration of Private Members' motions and bills. The lottery system should:
 - a. be administered by the Clerk of the Legislative Assembly at the beginning of a Parliament;
 - b. allow Private Members to decline to participate in the lottery through an opt-out approach and to switch places with another Private Member;
 - c. allow for revisions to the listing to account for changes in Private Members during the life of a Parliament and to re-introduce Private Members to the listing at the bottom of the listing if a bill they introduced is ruled out of order by the Speaker; and
 - d. prescribe the order assigned to each Private Member for the consideration of a bill or a motion to be brought forward during Private Members' Time during the life of a Parliament, to be appended to the Orders of the Day (Order Paper).
3. Restructure the order of business on Monday morning sittings, being Private Members' Time, to provide for an up to 30-minute period for Private Members' statements, permitting Private Members to deliver a statement of up to five minutes on a matter of importance to the Member, without restrictions on partisan content. The restrictions attached to statements as currently provided in Standing Order 25A(4) and (5) should remain. The per caucus allocation and rotation of statements should be left to the determination of the Whips, who should advise the Speaker of the topic in advance, mirroring the provisions of Standing Order 25B.
4. Provide for the mover of a Private Member's motion and all Members speaking to the question to have a speaking time of five minutes (including the mover's right of reply to close debate), with a maximum allotment of 75 minutes for debate before the question is put. If debate lapses or at the conclusion of the 75 minute time limit, whichever comes first, the question on the motion should be put and decided. If the 75 minute time limit has not been exhausted by the hour fixed for adjournment of the sitting, debate should be adjourned and should take precedence on the Orders of the Day (Order Paper) as the continuing item of business at the next Monday morning sitting. Divisions should be taken in accordance with existing Standing Order provisions.
5. Provide for the sponsor of a Private Member's bill to move second reading with a speaking time of 10 minutes, that all Members speaking to the question at second reading have a speaking time of 10 minutes, and that the sponsor of the bill have a speaking time of five minutes to close debate, with a maximum allotment of 75 minutes for debate before the question is put. If the 75 minute time limit has not been exhausted by the hour fixed for adjournment

of the sitting, debate should be adjourned and should take precedence on the Orders of the Day (Order Paper) as the continuing item of business at the next Monday morning sitting. Divisions should be taken in accordance with existing Standing Order provisions.

6. Provide for a Private Member's bill to be automatically committed to a new Select Standing Committee on Private Bills and Private Members' Bills if the question at second reading is adopted by the House. The terms of reference for this Select Standing Committee should empower it to invite the sponsor of the Private Member's bill and to hear from witnesses and stakeholders and to receive submissions. The Standing Order amendments should include a provision requiring the Committee to report back to the House within 30 sitting days. Reports of the Select Standing Committee may be received by the House at the appropriate time prescribed in the Standing Orders, but debate thereon should be limited to Monday morning sittings.
7. Provide for report stage for Private Members' bills to take precedence over second reading of Private Members' bills and Private Member's motions on the Orders of the Day (Order Paper) for Monday morning sittings, to be considered in the order presented to the House.
8. Provide Members with a speaking time of three minutes on the concurrence motion, with a maximum allotment of 15 minutes for debate before the question is put. If the 15 minute time limit has not been exhausted by the hour fixed for adjournment of the sitting, debate should be adjourned and should take precedence on the Orders of the Day (Order Paper) as the first item of business at the next Monday morning sitting. Divisions should be taken in accordance with existing Standing Order provisions.
9. Provide for third reading to take precedence over report stage of Private Members' bills, second reading of Private Members' bills, and Private Members' motions on the Orders of the Day (Order Paper) for Monday morning sittings.
10. Provide for the sponsor of a Private Member's bill to move third reading with a speaking time of five minutes, that all Members speaking to the question at third reading have a speaking time of five minutes, and that the sponsor of the bill have a speaking time of two minutes to close debate, with a maximum allotment of 20 minutes for debate before the question is put. If the 20 minute time limit has not been exhausted by the hour fixed for adjournment of the sitting, debate should be adjourned and should take precedence on the Orders of the Day (Order Paper) as the first item of business at the next Monday morning sitting. Divisions should be taken in accordance with existing Standing Order provisions.
11. Provide that, after prorogation and in the next Session within the same Parliament, Private Members' bills and motions are reinstated on the Orders of the Day (Order Paper) to their last stage of consideration at the time of prorogation, maintaining their order of precedence.

The Committee recommends to the Legislative Assembly that:

12. The changes proposed in this report be procedurally implemented prior to the dissolution of the 42nd Parliament, to take effect in the 43rd Parliament.
13. A parliamentary committee review the provisions for Private Members' Time and the changes effected in the 43rd Parliament three years after their implementation.

