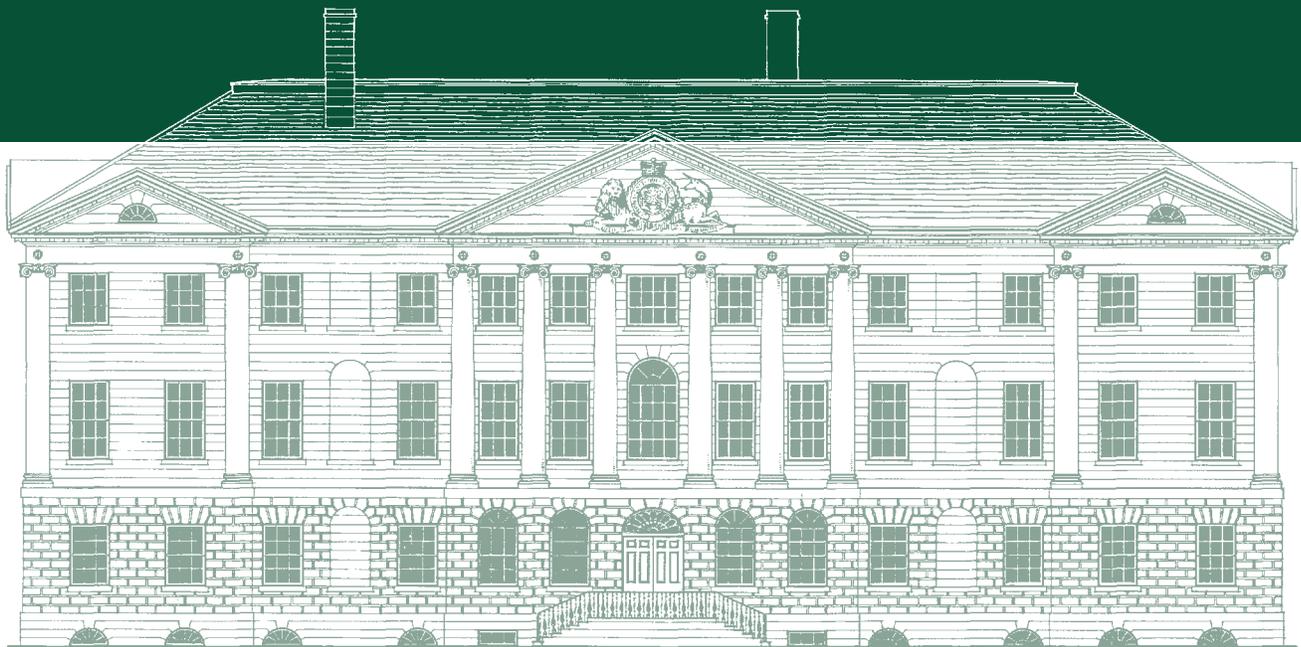


Members' Manual

Assembly Procedures and Services

November 2010



House of Assembly
Nova Scotia

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Assembly Procedures and Services

November 2010

Edited by
Margaret F. Murphy



House of Assembly
Nova Scotia

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INTRODUCTION

This manual has been prepared for the use of the Members of the House of Assembly of Nova Scotia in order to provide them with information on the House of Assembly, its procedures, services and policies.

With this edition, the Members' Manual is being issued as two publications to allow for the additional content required by the House of Assembly Management Commission Act.

The *Members' Manual: Assembly Procedures and Services* includes information on House of Assembly procedures and support offices and the *Members' Manual: Members Compensation, Expenses and Constituency Administration* includes information on policies dealing with members' compensation and allowances and the management of their constituency offices.

We hope that all Members will find this information useful and we welcome your comments.

You may obtain further information from the Chief Clerk of the House of Assembly, the Speaker's Office, the Legislative Library or from the other Assembly officials and support offices.

Please direct your comments to

Margaret F. Murphy **and**
Legislative Librarian
Province House
Phone: 424-5932
Fax: 424-0220

Deborah Lusby
Director of Administration
Speaker's Office
Phone: 424-4479
Fax: 424-2404

November 2010

1.0 THE LEGISLATURE

1.1 OATH OF ALLEGIANCE

OATH OF ALLEGIANCE

General Assembly of the Province of Nova Scotia

I do swear that I will be faithful and bear true allegiance to
Her Majesty

QUEEN ELIZABETH THE SECOND

Her Heirs and Successors According to Law

So help me God

1.2 COMPOSITION

The Legislature consists of the Lieutenant Governor and the House of Assembly.

1.2.1 The Lieutenant Governor

The Lieutenant Governor is appointed by the Governor General in Council. Pursuant to the Constitution Act, she serves as the representative in Nova Scotia of the Governor General of Canada in the discharge of certain functions. The Lieutenant Governor calls the House of Assembly to meet, prorogues and dissolves the House of Assembly, approves Orders in Council, and gives Royal Assent to legislation. The Lieutenant Governor and the Executive Council together form the Government of the province. Should the Lieutenant Governor be absent from the province, the Administrator of the Province of Nova Scotia takes her place. The Administrator of the province is appointed by the Governor General in Council and is, at the present time, the Chief Justice of Nova Scotia.

1.2.2 The House of Assembly

The House of Assembly is a unicameral body (which is to say that it has a single legislative chamber), responsible for the enactment of legislation pertaining to Nova Scotia within the areas of jurisdiction provided under the Canadian Constitution. The House is composed of 52 Members elected from the electoral districts into which the province is divided, as set out in the House of Assembly Act.

The Government is formed from the Members belonging to the party that returns the majority in an election. The Official Opposition consists of the Members belonging to the party having the second largest representation in the House.

1.3 DURATION

The Assembly is elected for a statutory term of about five years but may be dissolved at any time within that period by the Lieutenant Governor in Council on the advice of the Premier.

1.4 SESSIONS OF THE GENERAL ASSEMBLY

A new session starts with a Speech from the Throne after being summoned by the Lieutenant Governor in Council. A session of the General Assembly ends when the Lieutenant Governor in Council prorogues it.

When a session is prorogued, any unfinished business before the House is terminated. If it is to be pursued further during a new session, it must be reintroduced. Thus, if a bill is introduced, but has not been passed into law before prorogation, then it must be introduced all over again during the new session. The same is true for any business that is unfinished when a General Assembly of the House is dissolved for an election.

1.5 SITTINGS OF THE HOUSE

A period during which the House meets between adjournments is a sitting. Unlike a prorogation, an adjournment does not erase any proceeding that has taken place. When the House reconvenes after an adjournment, it merely picks up where it left off. The House is prorogued by the Lieutenant Governor, but is adjourned by a resolution passed by a majority of the House.

There must be at least two sittings of the Legislature each calendar year, one in the fall (September 1 to December 31) and one in the Spring (January 1 to June 30).

1.5.1 Time of Sittings

The ordinary hours of meeting for the House of Assembly are

Monday	7:00 pm–10:00 pm
Tuesday	2:00 pm–6:00 pm
Wednesday	2:00 pm–6:00 pm
Thursday	2:00 pm–6:00 pm
Friday	11:00 am–2:00 pm

When the Committee of the Whole House on Supply begins its deliberations on the Estimates the ordinary sitting hours are suspended and the House may sit for a maximum of **six** hours a day for the first five sitting days and, after that, for a maximum of **eight** hours a day.

These sitting hours must take place within the following time periods unless by unanimous consent:

Monday	12:00 noon–10:00 pm
Tuesday	12:00 noon–8:00 pm
Wednesday	12:00 noon–8:00 pm
Thursday	12:00 noon–8:00 pm
Friday	10:00 am–6:00 pm

The ordinary sitting hours are also suspended where the House reconvenes after it has stood adjourned for one month or more after the Estimates have been passed. The House must sit during the ordinary meeting hours for the first five sitting days after reconvening, may sit for a maximum of **six** hours a day for the next five days, and, after that, may sit for a maximum of **eight** hours a day. Again, these sitting hours must take place within the above time periods.

The foregoing rules respecting the time of sittings may, however, be overridden by the House of Assembly. The time for the meeting of the House, the time for the adjournment of the House, and the maximum number of hours the House may sit during a day may be determined by the House by a majority vote on the motion of the Government House Leader.

1.6 QUORUM

At least 15 Members of the House including the Speaker must be present in order for the House to meet and exercise its powers. If there is not a quorum, then the Speaker must adjourn the House until the next sitting day.

1.7 ATTENDANCE

All Members must attend the daily sittings of the House unless excused from attending by the Speaker. If a Member is absent without permission, the Member may be censured by the House and will forfeit a monetary penalty as determined by the Rules of the House. Ultimately, a Member may lose his or her seat, pursuant to the House of Assembly Act.

1.8 ADJOURNMENT

At the end of each sitting day the House adjourns to the next sitting day, and all business not completed is deemed to be adjourned and added to the Order Paper for the next day.

1.9 PROROGATION

Prorogation is the means by which a session of the Legislature is terminated. This is done by a Proclamation of the Lieutenant Governor on the advice of the Premier, through an Order in Council. All proceedings and business in progress are terminated and must be reintroduced in the next session before the Assembly can consider them again. Returns to House Orders ordered by the Assembly that have not been provided prior to prorogation are the only items of usual business not lost at the prorogation.

1.10 DISSOLUTION

Dissolution is the means by which the Legislature is terminated before the calling of a general election. The Legislature is statutorily dissolved after five years or before that by a proclamation of the Lieutenant Governor. At this time Members cease to be members, and all business of the House and its committees dies.

2.0 THE EXECUTIVE COUNCIL AND THE GOVERNMENT

2.1 THE GOVERNMENT

The executive branch of government is generally referred to as the Government and technically means the Lieutenant Governor acting by and with the advice of the Executive Council, correctly referred to as the Governor in Council.

2.2 THE EXECUTIVE COUNCIL

The Members of the Executive Council, known as Ministers, collectively form the Executive Council. They are appointed by the Lieutenant Governor, pursuant to the Executive Council Act, and are informally referred to as the Cabinet. By convention in Nova Scotia, the Premier is appointed President of the Executive Council.

The Executive Council exercises the executive powers of the Crown. The Council may do only those things that are permitted by the House of Assembly through legislation and those things that are permitted by way of prerogative power, such as the inherent power to make appointments.

Members of the Executive Council are Ministers of the Crown whether or not they have been appointed to preside over a department. The Executive Council is the provincial equivalent of the Executive Committee of the Privy Council at the federal level. Its formal actions are those of the Lieutenant Governor in Council and its reported decisions are Orders in Council.

2.3 THE FIRST MINISTER (PREMIER)

By convention, the leader of the Party having the majority of seats in the Assembly is the First Minister. The Premier is the senior executive authority in the government.

2.4 PRESIDENT OF THE EXECUTIVE COUNCIL

This position is established by the Executive Council Act and is usually the chief portfolio held by the Premier.

2.5 THE CABINET

This term is applied to the Ministers of the Crown as formulators of policy and is a term that has no status in law. The proper legal term is the Executive Council.

2.6 RESPONSIBILITY AS MEMBERS OF THE EXECUTIVE COUNCIL AND CABINET

Collective responsibility is a long established principle of the parliamentary system and applies to the formulation of policy as well as any executive action taken by the Executive Council.

Individually, members of the Executive Council are responsible to the Assembly (and to their Cabinet colleagues) for specific duties assigned to them.

Every department, board, commission, committee or other provincial agency of the Crown reports to the Legislature through a Minister.

2.7 MINISTERS OF THE CROWN

Appointments to hold office and preside over the departments of the Provincial Government are made under the Great Seal of the Province.

2.8 MINISTERS WITHOUT PORTFOLIO

The title given to members of the Executive Council who do not preside over a department.

2.9 THE CLERK OF THE EXECUTIVE COUNCIL

The Executive Council Office (ECO) serves the Executive Council (Cabinet) and its committees, the executive teams of Treasury Board Office and the Office of Policy and Priorities, as well as departments, agencies, boards and commissions. The office aims to ensure that the business of Cabinet and its committees is conducted in a timely efficient way and that proper collective information is provided. The Clerk of the Executive Council examines submissions to the Executive Council to ensure conformity with policy and legal requirements. The Clerk drafts Orders in Council and registers, certifies, distributes, indexes, and files approved Orders in Council.

Clerk of/Secretary to the Executive Council: Greg P. Keefe

One Government Place, 1700 Granville Street, 5th floor

PO Box 2125, Halifax, NS B3J 3B7

Phone: 424-5970

Fax: 424-0667

Email: keefeg@gov.ns.ca

3.0 ASSEMBLY OFFICIALS AND SUPPORT OFFICES

3.1 THE SPEAKER

The Speaker is the presiding Officer of the House of Assembly. He or she presides over the proceedings of the Assembly, maintaining order, regulating debate in accordance with the rules and practices of the House, and ensures that all viewpoints have the opportunity of a hearing. The Speaker does not take part in the debates of the Assembly and only takes part in a vote to cast the deciding vote in the event of a tie. He or she is the guardian of the privileges of the Assembly and protects the rights of its Members. Outside the Chamber, the Speaker is the only representative of the House and the sole embodiment of its prestige and authority. The Speaker has jurisdiction over matters concerning Province House and is the Chair of the House of Assembly Management Commission, the body responsible for regulating services to Members.

The Speaker decides questions of order and rules on questions of privilege after allowing appropriate debate. Decisions of the Speaker are not debatable or subject to appeal except by a substantive motion after proper notice has been given.

An election for Speaker is held after each general election or if the office becomes vacant. After a general election, the current Speaker, having retained a seat in the legislature, remains in that office until a new Speaker is elected by the House. Any Member may nominate any other Member of the House for election as Speaker with the exception of Cabinet members, the Leader of the Opposition or the leader of a recognized party, all of whom are not eligible to be nominated. If there is more than one nominee for Speaker, the election is by secret ballot.

The Speaker: Hon. Charlie Parker
Province House, 1726 Hollis Street, first floor
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5707
Fax: 424-0526

3.2 CHAIRMAN OF COMMITTEES AND DEPUTY SPEAKER

The Deputy Speaker is elected in the same way as the Speaker. When the Speaker is absent, the Deputy Speaker takes the Chair and performs all the duties of the Speaker. When the House goes into a Committee of the Whole House, the Speaker leaves the Chair and the Deputy Speaker takes over as chair of the Committee. The Deputy Speaker maintains order in the Committee of the Whole House and decides all questions of order subject to an appeal to the Speaker.

3.3 THE CHIEF CLERK AND ASSISTANT CLERK OF THE HOUSE

The Chief Clerk and the Assistant Clerk(s) are responsible, under the direction of the Speaker, for providing advice and support to the Speaker and the Members on procedural matters concerning the privileges, rules, usages, and proceedings of the Assembly. They prepare the daily agenda for the House (the Order Paper), and officially count the votes of the Members. They are also responsible for preparing the Journals of the House of Assembly and other records of the House and for the safekeeping of the Assembly's documents. The Chief Clerk is responsible for certain duties involving the Office of the Speaker not only when the House is in Session but also throughout the whole of the year and is the Secretary to the House of Assembly Management Commission.

Acting Chief Clerk of the House: Mr. Neil Ferguson
Province House, 1726 Hollis Street, first floor
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5978 Fax: 424-0632 Email: fergusnr@gov.ns.ca

3.4 THE CHIEF LEGISLATIVE COUNSEL

The Chief Legislative Counsel is responsible for the preparation of all legislation for both Government and non-government members, the provision of legal counsel to the Speaker, the Office of the Speaker, the House of Assembly, the Committees of the House, and is counsel to the House of Assembly Management Commission. He is also responsible for the publication of the Rules and Forms of Procedure of the House, the Bills of the House and of the annual, consolidated, and revised statutes. The Statutes are published in print and on the Internet. The Office of the Legislative Counsel provides support services to the House, the Committee on Assembly Matters, the Law Amendments Committee, the Private and Local Bills Committee, and the House of Assembly Management Commission.

Chief Legislative Counsel: Gordon D. Hebb, QC
Joseph Howe Building, 1690 Hollis Street/1681 Granville Street
9th floor
PO Box 1116, Halifax, NS B3J 2X1
Phone: 424-8941
Fax: 424-0547
E-mail: hebbgd@gov.ns.ca
Website: <http://nslegislature.ca/legc/index.htm>

3.5 THE SERGEANT-AT-ARMS

The Sergeant-at-Arms is the Guardian of the Mace, which is the symbol of Parliamentary authority. He assists the Speaker in maintaining order in the Chamber and has a number of ceremonial functions, which include leading the Speaker's procession into the Chamber at the start of each day's sitting and preceding the Speaker as he leaves the Chamber at a recess or adjournment of the Assembly. He also announces and escorts the Lieutenant Governor while entering or leaving the Chamber.

Sergeant-at-Arms: Captain Kenneth H. Greenham
Province House, 1726 Hollis Street
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-4603 Email: greenhkh@gov.ns.ca

3.6 LEGISLATIVE LIBRARY

The Legislative Library's primary mandate is to serve the information needs of the Members of the House of Assembly, their caucus and constituency office staff and staff of the Legislature. The Legislative Librarian is responsible for the management the Legislative Library and the Committees Office.

Legislative Librarian: Margaret F. Murphy
Legislative Library
Province House, 2nd floor
PO Box 396, Halifax, NS B3J 2P8
Phone: 424-5932 Fax: 424-0220
Email: murphymf@gov.ns.ca

3.7 HANSARD OFFICE

The Hansard Office is responsible for the compilation of a complete and accurate verbatim record of the Debates of the House of Assembly (Hansard), and of the proceedings of Committees of the House as may be required both when the House is in session and between sessions.

Hansard Editor: Robert Kinsman
Hansard Office
Dennis Building, 1740 Granville Street, 2nd floor
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-7990 Fax: 424-0593
Email: kinsmarw@gov.ns.ca

3.8 THE SPEAKER'S OFFICE

The Speaker's Office was established in 1980 to incorporate the Legislature and related departments into a more comprehensive administration that resulted from the expanded role of the Speaker. The Speaker's Office is now responsible for the administration of a number of public service votes.

The Director of Administration, reports directly to the Speaker and the Clerk of the Legislature. The Director is responsible for implementing and maintaining all administrative programs, policies and procedures, budgeting and Human Resources which pertain to the Speaker's Office. The Director is also accountable for the payment of all Indemnities, Allowances and Expenses for the Members of the House of Assembly and Members of the Executive Council as provided for by legislation, regulation and government policy.

Director of Administration: Deborah Lusby
Joseph Howe Building, 1690 Hollis Street, Granville Street level
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-4479 Fax: 424-2404
Email: lusbydz@gov.ns.ca

3.9 HOUSE OF ASSEMBLY OPERATIONS

House of Assembly Operations is responsible for the supervision of activities and the delivery of services to the House of Assembly at Province House. It provides legislative pages when the House sits and handles room bookings and arrangements for functions and all aspects of visitor services.

Manager House of Assembly Operations: Michael G. Laffin
Province House, 1726 Hollis Street, 2nd floor
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5980 Fax: 424-0574
Email: laffinmg@gov.ns.ca

3.10 COMMITTEES OFFICE

The House of Assembly Committees Office, under the supervision of the Legislative Librarian, is responsible for providing administrative support services for the majority of the standing committees, select committees, and commissions of the Legislature. The office also compiles the annual reports of the committees.

Administrative Clerks: Darlene Henry, Jana Hodgson, Kim Langille, Sherri Mitchell, Kim Leadley
Dennis Building, 3rd floor, 1740 Granville Street
PO Box 2630, Station M, Halifax, NS B3J 3N5
Phone: 424-4432 or toll free 1-888-388-6489
Fax: 424-0513

3.11 LEGISLATIVE TELEVISION

Legislative Television Broadcast and Recording Services was established in 1991 to provide live televised proceedings from the House of Assembly.

This division, under the direction of the Speaker, is responsible for recording Legislative debates, Standing or Select Committees and Commissions of the Legislature. The recorded audio is delivered to the Hansard Office for transcription.

Legislative Television also provides audio and video production services for Members of the Legislative Assembly and government departments/agencies.

All live coverage and re-broadcasts are available on EastLink Cable channel 95. In addition, EastLink Television (channel 10) carries Legislative Television programming each Tuesday, Noon–4:00 p.m., Wednesday, 2:00–4:00 p.m., and Thursday, Noon–4:00 p.m. when the Legislature is sitting.

Manager: James MacInnes
Joseph Howe Building, 1690 Hollis Street, 7th floor
P.O. Box 1617
Halifax, NS B3J 2Y3
Phone: 424-3875
Fax: 424-0604
E-mail: macinnjt@gov.ns.ca

3.12 CONFLICT OF INTEREST COMMISSIONER

The Commissioner has all the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act and can initiate an inquiry on any matter pursuant to the Members and Public Employees Disclosure Act.

The Conflict of Interest Commissioner: Hon. D. Merlin Nunn.
Granville Level, Joseph Howe Building
1690 Hollis Street
Halifax, NS
Phone: (902) 424-5345
Fax: (902) 424-0632

3.13 ELECTIONS NOVA SCOTIA

The job of Elections Nova Scotia is to ensure that every election, by-election, and liquor plebiscite is held in a fair and impartial manner (according to the Elections Act and other relevant laws) and that all political parties and candidates act within the rules. It is independent of any political affiliation, including the government in power.

The Chief Electoral Officer: Ms. Christine McCulloch
Street Address 7037 Mumford Road, Suite 6 Halifax, Nova Scotia, B3L 2J1
Mailing Address PO Box 2246 Halifax, NS. B3J 3C8
Phone: (902) 424-8584, 1-800-565-1504 (Toll free in Nova Scotia), (902) 424-7475 (TTY),
1-866-774-7074 (Toll Free TTY)
Fax: (902) 424-6622
E-mail: MCCULLCA@gov.ns.ca

3.14 THE AUDITOR GENERAL

The Auditor General is an officer of the House of Assembly, and is responsible to the House and to the people of Nova Scotia for providing independent and objective assurance concerning the operations of government, the use of public funds and the integrity of financial and performance reports.

The Auditor General: Jacques R. Lapointe.
1888 Brunswick Street, Suite 302
Halifax NS B3J 3J8
Phone: (902) 424-4046
Fax: (902) 424-4350
E-mail: LAPOINJR@gov.ns.ca

3.15 THE OFFICE OF THE OMBUDSMAN

The primary mandate of the Office of the Ombudsman is to respond to citizens' complaints arising from the administration of provincial or municipal laws in Nova Scotia.

The Ombudsman is established as an independent officer of the House of Assembly, with all the powers, privileges, and immunities of a commissioner appointed under the Public Inquiries Act.

The Ombudsman for Nova Scotia: Dwight L. Bishop.
5670 Spring Garden Road, Suite 700
P.O. Box 2152
Halifax, NS B3J 3B7
Phone: 424-2167
Fax: (902) 424-6675
E-mail: BISHOPDL@gov.ns.ca

Public Inquiries/Complaints:

Phone: (902) 424-6780, 1-800-670-1111 (toll free in Nova Scotia)

4.0 PARLIAMENTARY PROCEDURE AND BUSINESS OF THE ASSEMBLY

4.1 PARLIAMENTARY PROCEDURE

The transaction of business in the Assembly is governed by Parliamentary Procedure, which is a combination of

- Rules and Forms of Procedure of the House of Assembly or Standing Orders, which are the formal rules of the House that specify the Assembly's Order of Business, the conduct of its debate, etc.
- the practice of the Assembly, which is an unwritten code of procedure based on usage and precedent that is developed over time by interpretation and Speaker's rulings.

In situations not covered by the Rules, reference is made to the practice of the Assembly to determine whether an applicable precedent exists. In the absence of such a precedent, consideration is given to precedents that may exist in the House of Commons of Canada or in the House of Commons of the United Kingdom of Great Britain and Northern Ireland. The authorities most often consulted in these cases are Marleau's *House of Commons Procedure and Practice* and Beauchesne's *Parliamentary Rules and Forms* for Canadian practice and Erskine May's *Treatise of the Law, Privileges, Proceedings and Usage of Parliament* for the United Kingdom practice.

Copies of the Rules and Forms of Procedure are distributed to each Member.

4.2 CONDUCT IN THE HOUSE

Every Member desiring to speak is to rise in his or her place and address the Speaker. To ensure that the debate is kept on an impersonal basis, no Member refers to another Member by name.

When two or more Members rise to speak, the Speaker calls on the Member who first rose with the following exceptions:

- A new Member who has not yet spoken is generally called upon by courtesy in preference to other Members.
- The Speaker will recognize the official opposition before the third party.
- When the Speaker is trying to make sure that each Member gets an equal share of the House's time, he will call upon Members who have not had the chance to address the House.

Having received formal recognition from the Speaker, a Member is said to have the floor, and all other Members who are seeking recognition from the Speaker should be seated. The right to

the floor is subject to Rule 23, where it states that no Member shall speak for more than one hour at a time in any debate, and Rule 24, which states that any Member addressing the House, if called to order either by the Speaker or on a point of order raised by another Member, shall sit down while the point is being stated, after which he or she may explain. Questions can be directed to the Member who has the floor, but it is entirely up to the Member whether he or she answers or not, and no comment will be permitted on a refusal to answer.

According to the Rules of the House, a Member must not be repetitive or irrelevant or use disrespectful or offensive language. No Member may speak twice to a question except as provided by Rule 26(2).

While in the House

- When the Speaker has called for the question, no Member shall walk out of or across the House or make any noise or disturbance.
- When a Member is speaking, no Member shall pass between that Member and the Speaker's Chair, nor interrupt, unless on a point of order.
- No Member may pass between the Speaker and the Clerk's Table, nor between the Chair and the Mace when the Mace has been taken off the Table.
- If Members are leaving or taking their seats or crossing the floor when the Speaker is in the Chair and another Member is speaking, they shall first bow to the Speaker and then bow to the Member speaking.

4.3 POINTS OF ORDER

Any breach of the Standing Orders or practice of the Assembly may be brought to the Speaker's attention at any time. In such cases the Member is entitled to interrupt debate by rising and saying, "On a point of order, Mr. Speaker," and stating concisely the point in question. The Speaker may then allow debate on the matter, after which he will render a decision on it, and then the business of the House can resume. (See Rule 24.)

4.4 PRIVILEGE

In general, "privilege" is defined as an advantage or benefit, often manifested as an exemption or immunity from some duty or obligation, enjoyed by a particular group or individual. "Privilege" in a parliamentary sense is the sum of the rights and powers, other than the power to legislate, enjoyed collectively by the Assembly and individually by its Members, without which they could not discharge their functions.

Among the rights and powers possessed collectively by the Assembly that are usually recognized as privileges are

- the right to fill vacancies in the House and to determine whether Members are qualified to sit
- the right to regulate its own internal affairs and procedure including the power to establish, amend, or suspend its procedural rules
- the power to compel the attendance of witnesses and the production of documents
- the power to expel Members whom the Assembly considers unfit to be Members

No action for defamation may lie against a Member, nor is he or she subject to prosecution, for anything he or she says in the House or any of its committees or for anything contained in a written notice presented to the House.

(These statutory privileges that accrue to a Member are set out in the House of Assembly Act, Sections 26 to 33, 37, and 38.)

Breach of Privilege

Any perceived wilful disregard for the privileges of the Assembly or its Members constitutes a possible breach of privilege and should be brought to the Assembly's attention immediately after the Speaker has been given notice, before the meeting of the House, if possible. (See Rule 29.)

The Speaker may then allow debate on the matter and either make a ruling immediately or reserve the decision for a later date. If the Speaker decides in the negative, there are no further proceedings on the matter. If the Speaker decides that there is a prima facie breach, the Member who raised the matter then moves that it be further dealt with, usually by reference to the Standing Committee on Internal Affairs.

4.5 DISTINCTION BETWEEN POINTS OF ORDER AND PRIVILEGE

A question of order concerns the interpretation of the Rules of Procedure and is a matter for the Speaker to determine.

A question of privilege is a question partly of fact and partly of law—the law of contempt of Parliament—and is a matter for the Assembly to determine after the Speaker has determined that there is a prima facie case of breach of privilege and the matter has been raised at the earliest opportunity. A question of privilege, generally speaking, refers to a specific Member or Members and a possible infringement of their rights, privileges, and immunities.

4.6 VOTING

No motion in the Assembly requires a seconder except the Motion for Address in Reply to the Speech from the Throne. Voting in the Assembly is by simple majority except when considering a change or suspension of its own Rules. Votes are first taken by voice and, if demanded by two Members, are done either by a standing vote or a recorded vote following a ringing of the division bells.

4.7 ORDER PAPER

The Order Paper, printed and consecutively numbered for each day of the session and put on the Internet, is the agenda or the outline of business of the House for the day. The Order Paper is divided into two distinct parts: the Daily Routine, which is the same every day, and the Orders of the Day, which varies.

Each day's sitting begins with the Speaker's procession, led by the Sergeant-at-Arms bearing the Mace. All Members remain standing while the Speaker offers prayers, and at the conclusion of the prayers, all Members take their seats, and the Daily Routine begins following the sequence on the Order Paper.

4.8 DAILY ROUTINE

Presenting and Reading Petitions

Under this item any citizen or group of citizens may petition the Assembly for redress of a grievance, provided that the petition does not request the expenditure of public funds or in any way affect the privileges of the Assembly and that it meets certain criteria as to form. Although citizens have the right to petition, they can exercise that right only through a Member, because the Assembly considers only those matters brought before it by its own Members. Hence, an individual Member may, from time to time, be asked by constituents for assistance in preparing or presenting a petition.

While by parliamentary tradition a Member is not obliged to present a petition, even of his or her own constituents, by the same token his or her presentation of a petition in no way implies concurrence with what it asks. The Member is required to sign the petition, but only as an indication that he or she is satisfied that it is in good order. In presenting the petition, the Member is limited to stating the number of signatures on the petition, the geographical area or sector of the public represented by the signatures, and the remedy it seeks. There is no debate on the presentation of a petition.

Presenting Reports of Committees

The chairs of the various committees appointed by resolution of the Assembly present reports of those committees.

Tabling Reports, Regulations, and Other Papers

Replies to written questions previously accepted by Ministers and returns to House Orders previously ordered by the Assembly, along with the reports required by statute, are tabled with the Clerk and become part of the Assembly's Sessional Papers.

Statements by Ministers

Ministers may make brief statements on matters relating to their areas of responsibility. Following such statements, a representative of each opposition group may comment briefly on the statement, but no debate is permissible.

Government Notices of Motion

Notice is given of a motion to appear on the Order Paper two days hence. This is written as well as presented orally in the House.

Introduction of Bills

Every bill, whether public or private and local may be introduced without notice. The Member asks for leave of the Assembly to introduce the bill, which is identified by title and by number following introduction.

Notices of Motion

Two days' notice must be given of a motion for a resolution, for a House Order, for the appointment of any committee, or for placing a question on the Order Paper. A motion may be made without notice only when the House gives its unanimous consent. Each Member may orally introduce two notices of motion each sitting day.

4.9 ORDERS OF THE DAY

There are different schedules for each day of the week. See the Rules and Forms of Procedure of the House of Assembly for these. The major items in the schedules are as follows:

- Monday and Friday – Government Business
- Tuesday and Thursday – Oral Question Period
– Government Business
- Wednesday – Oral Question Period
– Opposition Members' Business

Questions can be put without notice to Ministers for not more than **one hour** on Tuesday and Thursday and for not more than **one hour and 30 minutes** on Wednesday. Questions not of a pressing nature or those requiring lengthy or detailed responses should be submitted as written questions.

A question may not

- repeat in substance a question already answered or to which an answer has been refused (a Minister is not obliged to answer a question, even if it is in order)
- inquire whether statements made in a newspaper are true
- contain an expression of opinion
- be a speech, however short, or be of unreasonable length
- request solution of a legal proposition or ask for an opinion such as interpretation of a statute, a Minister's powers, etc.
- be of a nature that might prejudice a pending or current trial in a court of law
- contain or imply charges of a personal nature
- seek information set forth in documents equally accessible to the questioner, such as statutes, published reports, etc.
- seek information about matters that are secret in nature, such as proceedings of Cabinet, advice given to the Crown by officers of the law, etc.
- seek information about proceedings in a committee that has not yet made its report to the Assembly
- be hypothetical

The order of questioners during Oral Question Period is determined by the Speaker on the basis of a list he compiles during the disposal of routine items. Members who wish to ask a question get the Speaker's attention, and their names are added to the list. Traditionally, the

Speaker recognizes the Leader of the Opposition first, the Leader of a Recognized Party next, and then identifies subsequent questioners by constituency name. The Speaker allows two supplementary questions by the original questioner or by other Members.

In addition, members of an Opposition Party may propose topics for debate, between 6:00 pm and 6:30 pm or immediately following the moment of interruption on Tuesday and Thursday. A non-government Member of the majority party may propose topics for debate at the same time on Wednesday. This is called the adjournment debate or “the late show”. Proposed topics must be filed with the clerk and there are special rules respecting the length of speeches, voting, and quorum at these times. See Rule 5.

4.10 THE COURSE OF THE SESSION

4.10.1 The Throne Speech

The session starts with the Speech from the Throne, which sets out in broad terms the program of the government. Debate takes place on a motion by a Member of the government party who makes an address in answer to the speech thanking the Lieutenant Governor.

The mover and seconder of the motion usually take the opportunity to express personal views. The other Party Leaders debate the Speech from the Throne and move amendments to the main motion. Debate then ensues with the participation of many Members.

4.10.2 Estimates and Budget Address

The time of the Budget Address may vary greatly from year to year. The Minister of Finance tables the Estimates and then delivers the Budget Speech. One Member speaking on behalf of the Official Opposition and one Member speaking on behalf of each recognized party respond to the Budget Speech. The Estimates are then referred to either the Committee of the Whole House on Supply or to the Subcommittee on Supply. The Committee of the Whole House on Supply considers the Estimates of **five Ministers** selected by the House Leader of the Official Opposition for a maximum of **40 hours**, and the Subcommittee on Supply considers the other estimates referred to it by the Committee of the Whole for a maximum of **40 hours**.

Following this consideration and the Committee’s report back to the House, a bill is introduced to provide for the appropriations as approved by the committee.

4.10.3 Bills

Bills introduced in the House of Assembly must receive three readings and are classified, based on their content, as public bills, private bills and local bills.

The Rules of the House require that before it is introduced, the bill be certified to be correct in form by the Legislative Counsel.

Public Bills

These contain statements of law that are of general application throughout the whole province and apply to all citizens of the Province.

Government Bills

These are public bills that may be introduced by a Minister at any time during a session. Drafts of government bills are approved by Cabinet before introduction because they represent Government policy. Government bills are drafted by the Legislative Counsel, usually on instructions from the department involved.

Private Members' Bills

These are public bills that seek to establish or amend a public act but are introduced by members other than ministers of the Crown, or by ministers of the Crown in their capacity as private members. Any Member may introduce a private member's bill at any time during the session as long as it is not a bill requiring expenditure of money or making tax changes. These bills do not necessarily reflect the policy of the Government.

Private Bills and Local Bills

Private bills and local bills may be introduced by any Member. They are bills that affect only private individuals or persons of a particular locality and confer upon them some privileges or exemptions from the general law. For example, a private bill may provide for the incorporation of a hospital board or the change of a person's name.

(See House Rule 65–75 for the rules relating to private and local bills.)

4.10.3.1 *How a Bill Becomes Law*

Each bill passes through the following stages:

1. The Bill is introduced by the Member who rises in his or her place and says “Mr. Speaker, I beg leave to introduce a bill, entitled ...” This is the first reading. The bill is not read, and no comments are made regarding its contents. There is no debate at this stage.

At the time of first reading a number is assigned to the bill, and it is then printed for distribution to the Members of the House and put on the website. When the bill has been printed, the word PRINTED is marked on the Order Paper beside the Bill, and it is then ready for further consideration.

2. When a bill has been called for second reading, the Member who introduced the bill moves second reading and explains its purpose and content. At this stage Members have the opportunity to participate in a debate on the principle of the bill. They may speak only once during this debate, and no amendments are made at this time. Debate on second reading is closed when the Member introducing the bill speaks for the second time to answer inquiries or objections that have arisen during debate.
3. If a bill is passed on second reading, (given approval in principle), it is referred to a Committee. Public bills are referred to the Law Amendments Committee. Private or local bills are referred to the Private and Local Bills Committee. Both the Law Amendments Committee and the Private and Local Bills Committee hear representations from any interested persons. The time and location for the hearings are determined by the Chair of the committee, subject to direction by the committee. The Legislative Counsel’s Office provides counsel for both the Law Amendments Committee and the Private and Local Bills Committee. Persons who wish to make representations respecting any bill at the committee stage or wish to be present when the hearing takes place should advise the Legislative Counsel’s Office so that their names can be listed and they can be notified when the date and time of the meeting is determined. The bill is considered, in detail, in these committees.
4. Bills are returned to the House from these two committees either with or without recommendations for specific changes. After the bills have been reported to the House they are then considered by the Committee of the Whole House on Bills and debated in detail for a maximum of 20 hours. Members may speak more than once during this debate, and the amendments made in the committees can be either approved or rejected at this time. The Committee of the Whole House then reports to the House and the bill is placed on the Order Paper for third reading.

5. Third Reading of the bill is often a fairly quick approval, although it may be debated. If the Bill is to be amended at this stage it must be recommitted to the Committee of the Whole House on Bills. (See Rule 51.)
6. After approval on third reading, the bill receives Royal Assent. Royal Assent is given by the Lieutenant Governor, usually before the House of Assembly, and the bill is thereafter referred to as an act.

Ordinarily an act takes effect on the date upon which it is assented to. However, it is sometimes provided that it shall take effect on a specified date or on a date to be fixed by **proclamation** by the Lieutenant Governor in Council.

5.0 DOCUMENTS OF THE ASSEMBLY

5.1 ORDER PAPER

The Order Paper is sometimes referred to as the Orders of the Day. It is published each day by the Clerk's Office under the authority of the Speaker and lists all the items of business that could be considered by the Assembly on that date, according to an established order. Items listed are not necessarily dealt with in order, nor are all items dealt with on any sitting day. Business that has not been completed during the sitting day may be taken up at a later date.

Each Member receives a copy of the Order Paper on their desk before that day's sitting. It is posted to the Internet and copies can also be obtained from the Clerk's Office.

5.2 JOURNALS OF THE HOUSE OF ASSEMBLY

The Journals are the complete official, indexed record of the Assembly's proceedings during the Session. It is compiled by the Clerk's Office.

5.3 HANSARD (THE DEBATES OF THE NOVA SCOTIA HOUSE OF ASSEMBLY)

Hansard is produced daily by Nova Scotia Hansard Reporting Services, under the authority of the Speaker, from digitally-recorded audio files of the sittings of the House and its committees. The text is available on the Legislature Web site within hours of adjournment; it is also forwarded to the Queen's Printer, printed and distributed the following morning. The printed version is the official record.

5.4 BILLS

A Bill is a proposed Statute or Act submitted to the Assembly for its consideration. After the Bill has been introduced in the Assembly each Member will receive a printed copy.

5.5 ACTS

An act is a bill that has had three readings and that has received Royal Assent by the Lieutenant Governor. There are three types of acts—public acts, private acts, and local acts—which make up the statutes for a session of the Legislature. The statutes are then printed in a bound volume.

5.6 SESSIONAL PAPERS

Sessional papers are documents that are either laid before the Assembly pursuant to statutory requirement or Order of the Assembly, such as an annual report, or are voluntarily provided to the Assembly. This is called ‘tabling’.

Annual reports from the various departments in the government are distributed to each Member after tabling, and multiple copies are sent to the Legislative Library.

Documents presented voluntarily by a Member such as a letter or a newspaper article may be tabled with the Clerk and will be kept by the Clerk’s Office until the end of the session and then sent to Nova Scotia Archives and Records Management to be kept permanently.

5.7 HOUSE ORDERS

A House Order is a request for specific material—whether information, documents, or correspondence—relating to a certain matter. The Member must prepare a notice of motion for a House Order and file it with the Clerk. The Clerk then sends the notice on to the department concerned, and departmental staff brief the Minister so that the question is clear before the vote is called in the House. Once the House approves the House Order, it must be completed by the department concerned.

If a Return to a House Order is not completed and tabled before prorogation of a session, the order is still in effect. If dissolution occurs before a return required by a House Order is tabled, it is assumed, as with other uncompleted business of the House, to have expired.

The Journals and other records of the House of Assembly keep track of the tabling of a House Order and whether it has been returned.

6.0 COMMITTEES OF THE ASSEMBLY

Committees of the Legislative Assembly other than the Committees of the Whole fall into two main groups, namely, Standing Committees and Select Committees.

6.1 STANDING COMMITTEES

The Standing Committees are as follows:

- Internal Affairs - contact Gordon Hebb
- Law Amendments - contact Gordon Hebb
- Private and Local Bills - contact Gordon Hebb
- Public Accounts - contact Darlene Henry
- Economic Development - contact Jana Hodgson
- Human Resources - contact Jana Hodgson
- Community Services - contact Kim Langille
- Resources - contact Jana Hodgson
- Veterans Affairs - contact Kim Langille

Although these committees are in existence on a permanent basis by the authority of Rule 60, it is necessary at the commencement of each Assembly to appoint members to compose them through a special committee known as the Striking Committee.

There is also a **Committee on Assembly Matters**, composed of the Speaker who acts as Chair of the Committee and nine other members appointed by the Striking Committee. This committee may examine the rules, procedures, organization, and facilities of the House of Assembly and may recommend the provision of support services and facilities for the Members.

6.2 SELECT COMMITTEES

Select Committees are committees appointed by the House to inquire into specific matters. The resolutions by which they are appointed set forth in detail their terms of reference. After their assigned tasks are completed, these committees report back to the House through their chair, and their reports are tabled in the House.

6.3 COMMITTEES OF THE WHOLE HOUSE

Committees of the Whole House are the **Committee of the Whole House on Supply**, which gives a detailed examination of the various resolutions relating to the supply of money for the operation of each department of government, and the **Committee of the Whole House on Bills**, which gives a clause-by-clause examination of those bills that have been reported back by the Law Amendments Committee or the Private and Local Bills Committee. When the House goes into these committees, the mace is placed under the table, the Speaker leaves the Chamber, and the Chairman of the Committee of the Whole, the Deputy Speaker, takes his place at the head of the table. The Rules of the House apply, but there is no limit on the number of times a Member may speak.

7.0 COMMONWEALTH PARLIAMENTARY ASSOCIATION

Aims

The Commonwealth Parliamentary Association is an association formed for the promotion of knowledge and education about parliamentary systems in the democratic tradition, particularly those of the Commonwealth of Nations, but also those having close historical and parliamentary association with it.

The headquarters of the association are in London, England, and its affairs are administered by a permanent secretariat.

Commonwealth Parliamentary Association Regions

The association is divided into a number of geographical regions of which Canada is one. The Canadian region is composed of 13 branches. These branches are the federal Parliament, the 10 provincial Legislative Assemblies, and three territorial Legislative Assemblies.

Annual Regional Conference

Annual conferences of the Canadian region are held in a different province each year, usually in the late summer, and delegates from the Nova Scotia branch are named to attend.

Nova Scotia Branch

The Nova Scotia Branch of the association is made up of the Members of the House of Assembly, with the Speaker as President. The branch normally meets at least once per year at the call of the Speaker.

Procedural Seminars

Once during each year, usually in the late fall or early winter, the Canadian region of the Commonwealth Parliamentary Association holds a procedural seminar, customarily although not always in Ottawa. Delegates from the Nova Scotia Branch are named to attend this seminar.

Commonwealth Parliamentary Association Annual General Conference

Once a year, delegates from all branches of the CPA assemble in a general conference in a Commonwealth country. The purpose of this conference is to discuss parliamentary matters and developments of mutual interest and to review subjects of immediate concern to nations, of both the Commonwealth and the world community.

Funding

In its annual estimates, the Legislative Assembly of Nova Scotia votes a sum of money sufficient to provide a grant to the Commonwealth Parliamentary Association General Council and to finance the operations of the Canadian Region and Nova Scotia Branch.

Interprovincial Visits

It is the policy of all branches of the Canadian region to encourage interprovincial visits, and the Nova Scotia branch subscribes to this policy by both receiving visits from and making visits to other branches. Individual members of the branch are also encouraged to make personal visits to any branch within the Canadian region of the Commonwealth Parliamentary Association when travelling.

Publications

The following publications are issued by the Commonwealth Parliamentary Association and the Canadian region of the association respectively, and each member of the Nova Scotia branch is entitled to receive a copy of each of these publications:

The Parliamentarian—A quarterly periodical containing articles and book reviews on matters of parliamentary interest by writers from throughout the Commonwealth.

The Canadian Parliamentary Review—A publication founded in 1978 to inform Canadian legislators about activities of the federal, provincial, and territorial branches of the Canadian Region of the Commonwealth Parliamentary Association.

Atlantic Provinces Commonwealth Parliamentary Association

Each year a meeting is held with Newfoundland, New Brunswick, and Prince Edward Island to discuss matters of particular interest to the Atlantic Provinces.

CPA Ties, Scarves, and Lapel Pins

These items are available from the Secretary of the Nova Scotia Branch (the Clerk) or from the Speaker's Office.

8.0 SERVICES TO MEMBERS

8.1 LEGISLATIVE PAGES

Approximately 18 university students are employed while the House is in Session. Staff are available to distribute papers, carry messages, and do routine errands for Members.

8.2 MAIL AND MESSAGES

Each Member is assigned a mailbox in the reception area on the second floor of Province House for use when the House is in Session. Items that are not handed directly to the Member are always placed in the box and delivered upon arrival.

8.3 TELEPHONE AND FAX NUMBERS

Members may be contacted by telephone while the House is sitting at 424-4661. Faxes may be received or sent from Province House (Operations Office) at 424-0574.

Long distance calls are restricted to the 902 (Nova Scotia) and 613/819 (Ottawa/Hull) area codes.

Telephone directories for Nova Scotia are available at the reception desk.

8.4 MEMBERS LOUNGE

Members may obtain coffee, tea, soft drinks, etc., as well as light lunches and daily specials in the lounge (at reasonable prices) beginning approximately one hour before and during each day's sitting.

8.5 PARKING

Parking space is available to the Members in the Province House lot year-round. While the House is sitting and from time to time, space is at a premium. Registration and enforcement of parking are handled by security personnel.

8.6 TOURS

Tours of Province House are available year-round during regular business hours and while the House is sitting. Groups should be booked in advance.

Summer hours (July and August only):

Monday to Friday, 9:00 am–5:00 pm;

Saturday, Sunday, and holidays, 10:00 am–4:00 pm.

For bookings, call Peter Theriault, Co-ordinator of Operations, 424-5982.

8.7 ROOM BOOKINGS—PROVINCE HOUSE

A limited number of rooms are available to Members for meetings, media briefings, or any such official business.

For information on bookings and services, call Peter Theriault, 424-5982.

8.8 STATIONERY

Members are entitled to reasonable amounts of letterhead, executive notepaper, and envelopes for use in the constituency. House of Assembly certificate paper (\$0.20), certificate covers (\$1.50) and greeting cards (\$1.00), are available at cost as indicated. The House of Assembly produces an annual Christmas card for MLAs with orders taken in October or November.

Stationery can be ordered by calling House of Assembly Operations at 424-5980 or 424-5982.

8.9 GIFT ITEMS

The House of Assembly Operations stocks a range of products including glassware, pens, pencils, greeting cards, clothing, pins etc.

This service is exclusive to MLAs and Legislative Staff, please ask Operations staff for more information.

8.10 INFORMATION BOOKLETS

Publications available in reasonable quantities for free distribution include

- *Province House* (available in English and French)
- *House of Assembly Seating Plan* (English and French)
- A bilingual *Symbols of Nova Scotia* brochure is available, usually once a year, that can be personalized with the Member's name and constituency contact information.
- *Parliamentary Democracy in Nova Scotia: How it Began, How it Evolved*

Contact House of Assembly Operations

424-5980 or 424-5982

9.0 CONFLICT OF INTEREST

9.1 MINISTERIAL CODE OF CONDUCT

The Ministerial Code of Conduct is included in the *Members and Public Employees Disclosure Act* as Schedule B:

Ministerial Code of Conduct

Introduction

The public is entitled to expect ministers of the Crown to act in a way that ensures that the public interest is always paramount. No document can properly address every situation in which ministers are called upon to make a decision as to what is in the public interest. This Code is intended to provide guidelines and a process that must be interpreted with common sense and in the spirit of public service.

The obligations of ministers under this Code are in addition to the duties of members as set out in the *Members and Public Employees Disclosure Act*.

Nothing in this Code is intended to limit a minister's ability to carry out the usual responsibilities of a member of the House of Assembly on behalf of his or her constituents and constituency, in accordance with the parliamentary conventions of Nova Scotia.

Conflict of Interest Commissioner:

Ministers who require clarification or interpretation of these guidelines may consult the Premier or the Conflict of Interest Commissioner.

Guidelines:

1. Ministers must be truthful and forthright. Ministers must not deceive or knowingly mislead the House of Assembly or the public, or permit or encourage agents of the Government to deceive or mislead the House or the public.
2. Ministers must make every effort to ensure that their departments are not used for partisan political purposes.
3. Ministers must avoid situations where a conflict of interest or a reasonable perception of such a conflict of interest could arise between the minister's public duties and private interests.
 - (a) Ministers must never use their authority or position, Government information or Government property to advance their own interests or that of a family member.

- (b) Ministers must not accept any personal benefits in any business dealing, acquire any position or undertake any function or have any financial, commercial or other interest that is incompatible with their offices or duties.
- (c) Ministers must disclose all personal property, assets and liabilities held by themselves and members of their immediate families in accordance with the Members and Public Employees Disclosure Act.
- (d) A minister must disqualify himself or herself from any decision-making process where the minister knows or ought reasonably to know that there is an opportunity to further the minister's private interest or to improperly seek to further another person's private interest.
- (e) In any decision-making process where the minister knows or ought reasonably to know that there is an opportunity to further the minister's private interest or to improperly seek to further another person's private interest, the minister shall
 - (i) advise that the opportunity could result;
 - (ii) withdraw from the decision-making process; and
 - (iii) refrain from participating in or influencing the decision-making process.
- (g[f]) A minister must not use or permit the use of information that is obtained in his or her capacity as a minister and that is not generally available to the public to further or to seek to further the minister's private interest, or to improperly seek to further the private interest of another person.
- (g) Ministers may not solicit or accept, either directly or indirectly, a gift or other benefit from any person or organization who has dealings with the Government where the gift or benefit is such that it could reasonably be perceived to have influenced the minister in the performance of his or her duties.
- (h) Ministers may accept gifts, hospitality or other benefits if the presentation is a normal expression of courtesy or protocol that does not bring the minister's objectivity into question, the gift was clearly intended for the minister personally and the value of the item is less than \$250.00.
- (i) A gift or benefit of a value of \$250.00 or greater should be declined. When this is not possible, it should be disclosed to the Conflict of Interest Commissioner and the minister must either donate any gift of a value of \$250.00 or greater to the Province or pay to the Province an equivalent amount as approved by the Conflict of Interest Commissioner.
- (j) Ministers may not solicit or accept, either directly or indirectly, a fee from any person or organization who has dealings with the Government.

4. Ministers must respect the responsibilities and obligations placed on public servants and, in particular, those that require that senior public servants avoid conduct that could give rise to the perception that they are not politically impartial.
5. Ministers must not accept payment for speeches of an official nature or that draw directly on their responsibilities or capabilities as ministers.
6. Except as specifically allowed by these guidelines and the Members and Public Employees Disclosure Act, a minister must not
 - (a) be employed in any other occupation or profession;
 - (b) manage a business carried on by a corporation;
 - (c) hold a directorship, unless it is one of the duties of the minister;
 - (d) hold office in a union or professional association;
 - (e) carry on business either in a partnership or sole proprietorship; or
 - (f) hold or trade in securities, stocks, futures or commodities.
7. A Minister may engage in the activities prohibited by clauses 6(a) to 6(f) if the minister has disclosed all material facts to the Conflict of Interest Commissioner and the Conflict of Interest Commissioner is satisfied that no conflict exists.
8. A minister who is aware that he or she has a conflict of interest or that there is a reasonable perception of a conflict of interest with respect to a matter on which the minister will be making a decision, the minister shall report that conflict of interest or reasonable perception of a conflict of interest, as the case may be, to the President of the Executive Council or a minister designated by the President and the Executive Council may appoint another minister to perform such duties as the Executive Council considers appropriate for such time as the Executive Council considers necessary to deal with the conflict of interest or perception of a conflict of interest.
9. The Conflict of Interest Commissioner, upon receipt of a complaint or question forwarded to the Conflict of Interest Commissioner by resolution of the House of Assembly or by the Executive Council may investigate, report and make recommendations or responses in writing to the House or the Executive Council, as the case may be.
 - (a) The Conflict of Interest Commissioner may recommend that
 - (i) the minister has acted within these guidelines;
 - (ii) the minister be publicly reprimanded;
 - (iii) the minister suspend the performance of his or her duties as minister for a specified time or until specified corrective action is taken;

- (iv) that the minister be asked to resign as minister;
 - (v) such other remedy as the Conflict of Interest Commissioner considers reasonable and appropriate.
- (b) The Conflict of Interest Commissioner's report shall be made public and shall include the reasons for the decision and the reasons for the particular recommendation.
- (c) The decision and recommendation of the Conflict of Interest Commissioner shall be provided to the House of Assembly by delivery of a copy of the report to the Clerk of the House and made public within 30 days of the referral of the complaint by the Executive Council or the House.
- (d) The House of Assembly shall determine whether the recommendation of the Conflict of Interest Commissioner shall be accepted, rejected, modified or amended and the decision of the House is binding.

9.2 OBLIGATIONS OF MLAs, MINISTERS, AND LEADERS

A Member of the House of Assembly, a Member of the Executive Council, a leader of a recognized party, whether or not the leader has been elected to the Assembly or appointed to the Executive Council, or a leader of a political party listed in the Schedule to the *Members and Public Employees Disclosure Act* is required to file disclosure statements pursuant to the act.

The attention of Members of the House of Assembly is drawn to certain provisions of the *House of Assembly Act*. Section 17 of the act sets forth certain matters that will result in a person's not being eligible for election to the House of Assembly. Section 18 of the act defines a conflict of interest that, by its very nature, results in a Member's ceasing to be eligible to be a Member of the House of Assembly. Section 19 of the act sets forth certain matters that will result in a disqualification of a Member as a Member of the House of Assembly. Section 20 of the act sets forth other matters that do not disqualify a person from being a Member of the House of Assembly. Section 24 of the act provides a monetary penalty for receiving a fee for promoting a bill.

The attention of Members of the Executive Council is drawn to Section 16 of the *Mineral Resources Act*, restricting a minister's right to acquire or hold a mineral right in the province.

Conflict of Interest Commissioner : Justice D. Merlin Nunn
Joseph Howe Building, 1690 Hollis Street, Granville Street Level,
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5345
Fax: 424-0632

9.3 DISCLOSURE GUIDELINES

Part I of Members and Public Employees Disclosure Act

In these guidelines, “member” means a member of the House of Assembly, a member of the Executive Council, a leader of a recognized party whether or not the leader has been elected to the Assembly or appointed to the Executive Council and a leader of a political party listed in the Schedule to the *Members and Public Employees Disclosure Act*. As of July 11, 1991, the political parties listed in the Schedule are The Liberal Party of Nova Scotia, The Nova Scotia New Democratic Party and The Progressive Conservative Association of Nova Scotia.

Disclosure Statements to Be Filed

Every member must file a disclosure statement on behalf of the member.

Every member who has a spouse within the meaning of the Members and Public Employees Disclosure Act or dependent children within the meaning of that Act must file a second disclosure statement on behalf of the member’s spouse and dependent children. Only one statement is to be filed on behalf of both the spouse and all dependent children. The Act defines “dependent child” and “spouse” as follows:

“dependent child” means a child who is under the age of majority or, although over the age of majority, unable, by reason of illness, disability or other cause, to withdraw from the charge of the parents or provide himself with reasonable needs and includes a child twenty-four years of age or younger who is attending a post-secondary educational institution;

“spouse” means a person married to another person and, for the purpose of this Act, includes persons who, not being married to each other, live together as if spouses and have done so for at least one year.

These statements are required to be filed with items 1 to 7 completed whether or not there is information to disclose under item 8. Where there is nothing to disclose under a heading in item 8, the word “none” or the letters “NA” (for “not applicable”) should be marked in each case.

Time of Filing

A person who was elected for the first time or re-elected to the House of Assembly on May 25, 1993, must file an initial disclosure statement or statements by July 8, 1993, and must file an annual disclosure statement or statements in June in each year thereafter as long as that person is a member.

If a person becomes a member after May 25, 1993, the member must file an initial disclosure statement or statements within 30 days of becoming a member and must file an annual disclosure statement or statements in June in each year thereafter (including the current year where the initial statement or statements are filed in the current year before June) as long as that person is a member. A person becomes a member of the House of Assembly upon being declared elected by the returning officer.

If a member marries or acquires a spouse within the meaning the *Members and Public Employees Disclosure Act*, a disclosure statement on behalf of the member's spouse and dependent children must be filed within 90 days.

The annual disclosure statement filed in June will meet the filing requirements of the *Members and Public Employees Disclosure Act* and the Members Disclosure Regulations respecting the initial disclosure statement required upon becoming a member or upon marrying if the 30-day or the 90-day filing requirement, respectively, is met.

Amended Disclosure Statements

A member must file an amended disclosure statement when the member or the member's spouse or dependent children acquire or dispose of an asset or liability that is required to be disclosed. The amended disclosure statement must be filed within 90 days of the acquisition or disposal.

The annual disclosure statement filed in June will meet the filing requirements of the *Members and Public Employees Disclosure Act* and the Members Disclosure Regulations respecting the amended disclosure statement if the 90-day filing requirement is met. Details respecting an asset acquired or liability assumed must be entered in the appropriate places on the statements notwithstanding that the same statement may show that asset transferred or liability settled. If a disclosure statement is serving as both an annual disclosure statement and an amended disclosure statement, both the annual statement and amended statement boxes on the first page of the disclosure statement should be marked.

Content of Disclosure Statements

Office address

A member of the Executive Council should give the member's departmental address. A member of the House of Assembly who is not a member of the Executive Council should give the member's constituency address.

Permanent residence address

Permanent residence address means the member's home address, not, in the case of a member who lives outside metropolitan Halifax, the address in metropolitan Halifax where the member resides while the House of Assembly is in session.

Small Claims Court jurisdiction

The Members and Public Employees Disclosure Act and the prescribed disclosure statements refer to "the maximum amount over which the Small Claims Court has jurisdiction." That amount is now up to and including \$25,000.

"Immediate family"

The *Members and Public Employees Disclosure Act* and the prescribed disclosure statements refer to "a member of the immediate family." The Act defines "immediate family" as follows:

"immediate family" means spouse, parent, child, brother, sister, grandparents and grandchildren.

Completion of statement item 8(10)/8(9)

Note that in item 8(10) in the disclosure statement on behalf of a member and in item 8(9) in the disclosure statement on behalf of the member's spouse and dependent children, the disclosure of payments from a recognized party or an electoral district association is required notwithstanding the disclosure of the payment by the official agent pursuant to Part II of the Members and Public Employees Disclosure Act. The Act defines "electoral district association" and "recognized party" as follows:

"electoral district association" means an electoral district association endorsed by the leader of a recognized party or by an independent member or candidate who is supported by the association and includes a trust established for or a fund established to further the goals of such an association;

"recognized party" means a recognized party as defined in the Elections Act and includes a trust established for or a fund established to further the goals of such a party;

9.4 MEMBERS AND PUBLIC EMPLOYEES DISCLOSURE ACT

See the following link to the Consolidated Public Statutes for the full text of this Act (consolidated to July 31, 2010): http://nslegislature.ca/legc/sol_m.htm#me and the amendments made by the Finance Act, S.N.S. 2010, c. 2.

9.4.1 Members Disclosure Regulations

See the following link to the Consolidated Regulations for the full text of these regulations:

<http://www.gov.ns.ca/just/regulations/regs/mpemdisc.htm>

9.4.2 Political Contributions Regulations

See the following link to the Consolidated Regulations for the full text of these regulations:

<http://www.gov.ns.ca/just/regulations/regs/mpecontrib.htm>

10.0 HOUSE OF ASSEMBLY ACT

See the following link to the Consolidated Public Statutes for the full text of this Act (consolidated to May 10, 2010): http://nslegislature.ca/legc/sol_m.htm#ho and the amendments made by the House of Assembly Management Commission Act, S.N.S. 2010, c. 5.

