



## LEGISLATIVE ASSEMBLY RULES AND PROCEDURES POLICY

TNP 02/2016

Enacted on April 5, 2016  
Amended on May 6, 2020  
Amended on May 20, 2020

  
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Hegus [SIGNATURE]

  
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Hegus [NAME]

DEPOSITED IN THE TLA'AMIN  
REGISTRY

ON 20 / 05 / 2020

(day/month/year)

  
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Signature of Law Clerk

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## INTRODUCTORY PROVISIONS

### 1. Foreword

- 1.1 This policy shall be considered a living document and will be subject to periodic updates in an ongoing process to provide the foundation of good governance and to achieve the objectives of the Tla'amin Nation.

### 2. Purpose

- 2.1 The purpose of this policy is to provide guidelines for the operation of the Legislative Assembly as provided for in the *Government Law*.

### 3. Definitions

- 3.1 In this policy:

“**Bill**” means a draft Tla'amin law presented to the Legislative Assembly for discussion and deliberation;

“**British Columbia**” means, unless the context otherwise requires, Her Majesty the Queen in right of the Province of British Columbia;

“**Business Day**” means any day other than Saturday, Sunday or a holiday;

“**Canada**” means, unless the context otherwise requires, Her Majesty the Queen in Right of Canada;

“**Chamber**” means the place where Legislators sit during a session;

“**Chief Administrative Officer**” means the person appointed to that position under the *Administration and Finance Law*;

“**Executive Council**” means the Executive Council established by the *Government Law*;

“**Hegus**” means the person elected as Hegus of the Tla'amin Nation consistent with the *Government Law*, *Election Law* or the person appointed as acting Hegus under the *Government Law*;

“**Legislator**” means a person elected to the office of legislator under the *Election Law* and is a person responsible for making laws within a given jurisdiction;

“**Legislative Assembly**” means the Legislative Assembly of the Tla'amin Nation established under the *Government Law* and may also be referred to as, How Hegus;

“**Members of the How Hegus**” means the Hegus and Legislators;

“**Minutes**” means the edited official record of the proceedings of a sitting of the Legislative Assembly;

**“Non-Member”** means an individual who has reached the age of majority under Provincial Law, is ordinarily a resident on Tla’amin Lands and is not a Tla’amin Citizen;

**“Oath of Office”** means an oath taken by a Tla’amin Citizen about to enter into the duties of public office, promising to perform the duties of that public office in good faith. The oath of office is set out in a document titled, “Gunn-a-whooth”;

**“Privilege”** means privileges that are afforded to members of the Legislative Assembly and include:

- (a) freedom of speech; and
- (b) freedom of obstruction and intimidation in relation to their duties as elected representatives.

**“Speaker”** means the individual serving as the speaker of the Legislative Assembly in accordance with the *Government Law*;

**“Tla’amin Citizen”** means every person who is enrolled as a Citizen of Tla’amin in accordance with the Eligibility and Enrolment Chapter of the *Tla’amin Final Agreement*; and the *Citizenship and Enrolment Law*.

**“Tla’amin Constitution”** means the Constitution of the Tla’amin Nation, as amended from time to time;

**“Tla’amin Government”** means the Government of the Tla’amin Nation including the Executive Council, the Legislative Assembly and the Speaker;

**“Tla’amin Institution”** means Tla’amin Government or a Tla’amin Public Institution;

**“Tla’amin Law”** means a law made pursuant to the Tla’amin Nation law-making authority set out in the Final Agreement and includes the Tla’amin Constitution;

**“Tla’amin Nation”** means the collectivity that comprises all Tla’amin individuals;

**“Tla’amin People”** means those individuals who are eligible to be enrolled under the Final Agreement in accordance with the Eligibility and Enrolment Chapter; and

**“Tla’amin Public Institution”** means a body, board, commission or any other similar entity established under Tla’amin Law, including a school board or health board, but for greater certainty does not include Tla’amin Government;

**“Transcript”** means the unedited record of the proceedings of a sitting of the Legislative Assembly.

#### **4. Rules and procedures**

- 4.1 The proceedings of the Legislative Assembly must be conducted according to these rules and procedures.

## **SITTINGS OF THE LEGISLATIVE ASSEMBLY**

### **5. Calling first session following a regular election**

5.1 Within 30 business days following a regular election, the Hegus must call the first sitting of the Legislative Assembly.

### **6. Calling regular session**

6.1 In consultation with the Executive Council the Speaker must:

- (a) call the Legislative Assembly into session at least twice each year, known as a spring term and a fall term;
- (b) state the date the session is to start and anticipated duration of the session; and
- (c) identify the location of the session.

6.2 At least one sitting of the Legislative Assembly must be held during each session.

6.3 At least 14 business days before the first day of an ordinary sitting, the Speaker must issue a notice of that sitting to all members of the Legislative Assembly, the Executive Council, Chief Administrative Officer and the Law Clerk.

6.4 In consultation with the Executive Council, the Speaker must call an ordinary sitting for members of the Legislative Assembly to consider and debate each draft and final budget of the Tla'amin Nation by the date specified for the adoption of that budget in the *Administration and Finance Law*.

### **7. Calling a special or emergency session**

7.1 In consultation with the Executive Council, the Speaker may call the Legislative Assembly into a special or emergency session:

- (a) to review and approve the Tla'amin Nation's audited annual financial statements as required under the *Administration and Finance Law*;
- (b) as the circumstances require; and
- (c) must state the date the session is to start and anticipated duration.

7.2 As soon as practicable before the first day of a special session, the Speaker must issue a notice of that sitting and provide that notice to all members of the Legislative Assembly, the Executive Council, the Chief Administrative Officer and Law Clerk.

7.3 Once a special or emergency session commences, this session will take precedence over other Legislative Assembly business.

### **8. Notification**

8.1 A notice required by this section must be in writing, and must include a proposed agenda for the sitting.

## **9. Adjournment and Extension**

- 9.1 On sitting days, the Speaker is responsible for determining the timing of daily adjournment. At adjournment all remaining items will stand over until the next sitting day.
- 9.2 Within a session, a sitting may be adjourned at any time and resumed at any later time within 14 business days after the adjournment.
- 9.3 Notwithstanding the Executive Council's right to specify the end date of a session, the Legislative Assembly may extend a session of the Legislative Assembly provided that a majority of Legislators determine that an extension is required.

## **10. Quorum**

- 10.1 The presence of a quorum is necessary to constitute a meeting of the Legislative Assembly for it to conduct its business and affairs.
- 10.2 A quorum for a meeting in session of the Legislative Assembly is two-thirds of the members of the Legislative Assembly.
- 10.3 If at the time of meeting the Speaker takes the chair and finds there is not a quorum, the Speaker may postpone the beginning of the meeting by 30 minutes and if there is still no quorum, the Legislative Assembly will not meet on that day and will reconvene on the next scheduled sitting day.
- 10.4 If there is a lack of quorum, the Law Clerk must record the names of all Legislators present at that time on the minutes.
- 10.5 In the event that there is one or more Legislators who are attending electronically that Legislator or those Legislators, as the case may be, will be counted when determining quorum.
- 10.6 Notwithstanding Section 10.2, a majority of Legislators for any meeting must attend a meeting in person to achieve a quorum.

## **11. Choosing the Speaker**

- 11.1 As provided for in the *Government Law*, the Hegus will serve as Speaker of the Legislative Assembly.

## **12. Term of office of the Speaker**

- 12.1 The Speaker holds office as Speaker:
  - (a) for the balance of the term of office of the current Legislative Assembly;
  - (b) until the Speaker indicates that he or she is no longer able to continue in this role; or
  - (c) until the Speaker is removed in accordance with Tla'amin laws, regulations and policies.

### **13. Vacancy in the Office of Speaker**

- 13.1 If there is a vacancy in the Office of Speaker, a deputy Speaker must assume the role of Speaker until another person is appointed, as soon as practicable, in accordance with Tla'amin laws, regulations and policies.

### **14. Responsibilities of the Speaker**

- 14.1 The Speaker is responsible for:

- (a) beginning and ending a sitting of the Legislative Assembly;
- (b) chairing (or presiding over) the sittings of the Legislative Assembly;
- (c) seeking or encouraging consensus among members of the Legislative Assembly;
- (d) maintaining order and decorum in the Legislative Assembly (and deciding questions of order or practice of the Legislative Assembly); and
- (e) providing a reasonable opportunity to speak in the Legislative Assembly for those members of the Legislative Assembly who wish to do so.

### **15. Speaker's role during discussion of business before the Legislative Assembly**

- 15.1 The Speaker may participate in any discussion respecting an item before the Legislative Assembly and is subject to the same rules and conditions governing all other Legislators when speaking. Where there is an established speaking list, the Speaker must follow the order on that list and may not speak to that specific item without regard to the list.
- 15.2 An individual who holds the Office of Speaker is entitled to vote on matters before the Legislative Assembly.

## **ORDER AND DECORUM**

### **16. Preserving order and decorum**

- 16.1 The Speaker is responsible for preserving order and decorum, including deciding upon a speaker's list of Legislators wishing to speak to an issue before the Legislative Assembly.
- 16.2 Out of respect and in the spirit of professionalism, no Legislator may interrupt another Legislator who is speaking.
- 16.3 Legislators must refrain from making personal, disparaging remarks at or about individuals, but rather, keep comments and input focused directly on the issue under discussion.
- 16.4 Upon entering the Chambers, Legislators must either turn off electronic devices or demonstrate respectful usage of any electronic devices while the Legislative Assembly is sitting.



- 16.5 When in the Chamber, Legislators must dress in a manner appropriate to the dignity of the assembly on each sitting day.
- 16.6 Sittings of the Legislative Assembly are open to the public, but no member of the public may speak at a sitting unless invited by the Speaker.
- 16.7 If a member of the public speaks or disrupts a sitting of the Legislative Assembly, he or she may be removed on the orders of the Speaker, consistent with this policy and Tla'amin laws.
- 16.8 If an individual causing a disruption does not refrain from the disruptive conduct, the Speaker may suspend the session until the matter is resolved. Further, the Royal Canadian Mounted Police may be contacted to provide assistance to resolve the disruption.

## **RULES OF DISCUSSION**

### **17. Legislator's right to speak to an item**

- 17.1 Every Legislator has the right to speak to an item under consideration, and when speaking, must remain in his or her seat.
- 17.2 At minimum, the Speaker must provide each Legislator with an opportunity to speak to every agenda item once. Subsequently, each Legislator may have the opportunity to speak multiple times to an item, at the Speaker's discretion.
- 17.3 If a Legislator wants to speak to an item, he or she may raise their hand at any point to indicate that they want to speak to that item. The Law Clerk must record the order in which the Legislators raise their hands. The Speaker will then provide each Legislator with the opportunity to speak to the item in the order recorded by the Law Clerk.
- 17.4 Notwithstanding the order recorded by the Law Clerk, the Speaker may allow for individual Legislators to speak out of turn to respond to the comments of another Legislator if he or she feels that:
  - (a) allowing for a direct response will enhance the nature of the discussion;
  - (b) a Legislator asked a direct question to another Legislator; or
  - (c) a Legislator made a comment that is felt to be inaccurate and/or requires clarification.

### **18. Time limit**

- 18.1 No Legislator will be permitted to speak to an item for longer than five minutes at one time.

### **19. A Legislator called to order**

- 19.1 During a discussion, the Speaker or a Legislator will be called to order if he or she:
  - (a) persists in needless repetition or raises matters that have already been decided;

- (b) interrupts another Legislator;
  - (c) refers to an item that is before the Review and Appeal Panel or a court and the Legislators are prohibited from discussing it for legal reasons;
  - (d) makes unfounded allegations against another Legislator;
  - (e) unfoundedly charges another Legislator with uttering a deliberate lie or falsehood;
  - (f) uses language or gestures of a nature likely to create disorder;
  - (g) speaks disrespectfully of the Speaker, any other Legislator or Tla'amin Government employee; or
  - (h) imputes false or hidden motives to another Legislator.
- 19.2 If a Legislator is called to order, the Speaker will give him or her opportunity to explain their behaviour or retract any offending remark that may have been made.

**20. Consequences/penalties if called to order**

- 20.1 If a Legislator is called to order for words spoken, gestures or other actions in the debate and if the Legislator then does not retract an offending remark or action or explain their behaviour or apologize to the satisfaction of the Legislative Assembly, the Legislator may be censured or dealt with as the Legislative Assembly sees fit.
- 20.2 If a Legislator engages in irrelevance or lengthy repetition of their comments, the Speaker may require that the Legislator stop speaking.
- 20.3 If the Legislator does not comply with sections 20.1 and 20.2, that Legislator may be suspended by the Speaker for the remainder of the sitting day and that suspension will count as an absent day for purposes of remuneration and attendance.
- 20.4 If that Legislator is repeatedly called to order and has been suspended on one previous occasion, the Speaker may make a motion to suspend the Legislator for an extended period. If a majority of Legislators support the motion, the offending Legislator will be suspended for the period of time outlined in the motion.

**BUSINESS OF THE LEGISLATIVE ASSEMBLY**

**21. Opening Prayer**

- 21.1 Consistent with Tla'amin Ta'ow, a prayer will be offered each sitting day before the Legislative Assembly commences any business. The Speaker may offer a prayer or call upon a willing Legislator or Tla'amin Citizen to offer a prayer.

**22. Order of business on opening day**

- 22.1 The order of business on the opening day of each session will be:
- (a) Prayer;

- (b) Opening address by the Hegus;
- (c) Presentation of the agenda for the session;
- (d) Asking if any Legislator wishes to identify a potential conflict of interest in respect of any matter on the agenda;
- (e) Tabling of agenda for the sitting day;
- (f) Recognition of visitors in the gallery;
- (g) Opportunity for each Legislator to provide opening comments outlining their expectations for the session;
- (h) Invite special guests to address the Legislative Assembly;
- (i) Tabling of documents;
- (j) Notice of a motion to table a bill for first reading;
- (k) First reading of bills, if applicable;
- (l) Questions from Legislators on first reading;
- (m) Call for reports from staff, if applicable;
- (n) Call to hear reports from committees of the Legislative Assembly, if applicable; and
- (o) Adjournment for the day.

**23. Order of business on all other sitting days**

23.1 The daily order of business in the chamber will be:

- (a) Prayer;
- (b) Recognition of visitors in the gallery;
- (c) Tabling of agenda for the sitting day;
- (d) Return to questions on any outstanding items from previous sitting day, if applicable;
- (e) First reading of bills, if applicable;
- (f) Second reading of bills, if applicable;
- (g) Opening of discussion on bills;
- (h) Call for reports from staff;

- (i) Call to hear reports from committees of the Legislative Assembly;
- (j) Speaker to close discussion on a bill;
- (k) Third reading of bills and call to vote, if applicable;
- (l) First reading of a resolution;
- (m) Second reading of a resolution;
- (n) Opening of discussion on a resolution;
- (o) Speaker to close discussion on a resolution;
- (p) Call to vote on a resolution; and
- (q) Call for the adjournment of the sitting day or the adjournment of the session as the case may be.

#### **24. Order Papers**

- 24.1 The order of business at each regular meeting will in all cases be taken up in the order in which it stands upon the agenda, as prepared by the Law Clerk, except when necessary for the better conduct of business an item may be taken out of its order if approved by majority vote of Legislators.

#### **25. Attendance**

- 25.1 Legislators are expected to attend on each sitting day and, in the event that they are unable to attend or are absent, they will be penalized for each sitting day missed according to the provisions set out in the *Dual Roles and Remuneration of Elected Officials Regulation*.
- 25.2 Notwithstanding section 25.1, a Legislator will not be penalized for missing a sitting under the following circumstances:
- (a) the meeting date was changed within 10 business days of the originally scheduled meeting;
  - (b) the Legislator is otherwise disposed on official Tla'amin government business;
  - (c) the Legislator is required to attend to a family emergency; or
  - (d) the Legislator is seriously ill or potentially contagious.
- 25.3 Sitting days of regular or special sessions may be attended by means of audio electronic or other communication facilities, provided that any Legislator participating by electronic means has received a copy of the agenda material.

**26. Minutes**

- 26.1 The Law Clerk is responsible for keeping minutes of each sitting day. The minutes will be made available for review by Legislators as soon as is practicable after each sitting day. They will also be made public on the website and in the *Neh Motl* by posting as soon as is practicable after each sitting day.

**27. Opening Address**

- 27.1 The opening day of each session will commence with an opening address from the Speaker and any guest invited by the Speaker to address the Legislative Assembly.

**28. Recognition of Visitors**

- 28.1 Under the item "recognition of visitors in the gallery", the Speaker or any Legislator upon being recognized by the Speaker may make a brief statement of introduction of a visitor in the gallery.

**CONSIDERATION OF BILLS AND RESOLUTIONS**

**29. Notice of first reading**

- 29.1 For first reading of a Bill, each Bill must be complete and the notice of first reading must specify the title of the Bill and may be accompanied by a report indicating the content and policy intent of the Bill.

**30. Introduction of a Bill**

- 30.1 Bills may only be introduced by a member of the Executive Council.

**31. Three separate readings**

- 31.1 Each bill must receive three separate readings, two of which may occur on the same sitting day unless a majority of Legislators object.
- 31.2 If a majority of Legislators object to holding two readings on the same day respecting a particular Bill before the Legislative Assembly, that Bill will have three separate readings held on separate sitting days.

**32. Bills to be certified**

- 32.1 The Law Clerk must certify upon each Bill the date of passage.

**33. Bills read twice before amendments**

- 33.1 Every bill must go through two readings in the Legislative Assembly before discussion can occur or amendments can be made.

**34. Discussion of a bill**

- 34.1 At second reading, Bills are made open to discussion.

- 34.2 During the discussion, Legislators must restrict their comments to the object, principles and merits of a Bill.
- 34.3 Any Legislator may propose an amendment to a Bill during the discussion. If a Legislator proposes an amendment, the Speaker may call a vote in the chamber and if a majority of Legislators support the principle of the proposed amendment, the Speaker may refer the Bill to a committee to develop the amendment. Once completed, the committee tasked with the amendment will provide a report to the Legislative Assembly that presents a formal amendment to the Bill, which, if supported by a majority of the Legislators, will be incorporated into the Bill.
- 34.4 If a committee is tasked with developing an amendment to a Bill under section 37.3, that committee must include, or be expanded to include, the Legislator that made the proposed amendment and one or more employees.
- 34.5 During the discussion, any Legislator may make a motion requesting that a manager or director of a Tla'amin department, director of a Tla'amin Business or Tla'amin Public Institution, or other employee provide additional information on an item on the agenda.
- 34.6 If a Legislator makes such a request, it must receive majority support from Legislators before the manager or director of a Tla'amin department, director of a Tla'amin Business or Tla'amin Public Institution, or other employee will be called before the Legislative Assembly.
- 34.7 Where a manager or director of a Tla'amin department, director of a Tla'amin Business or Tla'amin Public Institution, or other employee is called before the Legislative Assembly, each Legislator may ask him or her direct questions, if the Legislator so chooses.
- 34.8 The Speaker will determine the order of questions and may interrupt a questioner if the questions become irrelevant to the discussion or disrespectful.
- 34.9 The Speaker will close a question session when the Speaker feels that each Legislator has had sufficient opportunity to ask questions or that the nature of the questions are no longer useful to the discussion.
- 35. Process after discussion is complete**
- 35.1 After each Legislator has had the opportunity to speak to the object, principles and merit of a Bill, the Speaker will move to seek consensus on the Bill.
- 35.2 If there is consensus, then the Bill will proceed to third reading and be moved to a vote. This process may occur on the same sitting day as the second reading.
- 35.3 If there is no consensus and the Speaker does not feel that an amendment would result in consensus, then the Bill will proceed to third reading and moved to a vote. This process may occur on the same sitting day as the second reading.
- 35.4 If there is no consensus and the Speaker feels that an amendment could result in consensus, then the Speaker will strike a 'mediation committee' made up of equal numbers of supporters and detractors of the Bill.

35.5 The mediation committee, if struck, must meet in between sitting days and report back to the Legislative Assembly with either a proposed amendment or a report indicating that they were not able to reach a suitable compromise.

35.6 Upon return of the mediation committee, the Speaker will put the proposed amendments, if any, to a vote in the Legislative Assembly and the Bill, as amended will proceed to third reading and be moved to a vote.

### **36. Voting**

36.1 A Legislator will vote on a Bill by raising his or her hand or by verbally signalling their voting intentions in the event that they are attending electronically.

36.2 Any Legislator may abstain from voting, but he or she must give reasons for abstaining and these shall be recorded in the official minutes of the meeting.

36.3 For any Legislator who abstains from a vote, their abstention will be recorded as agreement with the majority.

### **37. Giving assent to a Bill**

37.1 If a Bill is passed by a simple majority of Legislators present on a sitting day, the Hegus will sign the bill into law giving it assent.

### **38. Consideration of the budget**

38.1 The budget bill will be presented to the Legislative Assembly by a member of the Executive Council.

### **39. Resolutions**

39.1 A Legislator may introduce a resolution at a time when the agenda provides for resolutions to be tabled for consideration.

39.2 The introduction of a resolution must outline the purpose and principle of the resolution. Each resolution must be written to reduce the risk of missing or misinterpreting proposed changes but may be delivered orally.

39.3 Approved resolutions of the Legislative Assembly are a non-binding expression of the will of the Legislative Assembly and may be used to direct the Executive Council to examine legislative, regulatory or policy options regarding a particular topic.

39.4 If the Executive Council is asked to explore legislative, regulatory or policy options, they must present the Legislative Assembly with a report outlining their response at the next session of the Legislative Assembly.

39.5 Discussion on the object, principles and merits of a resolution may commence after the introduction and first reading of any resolution.

39.6 Each Legislator is entitled to express their opinion on a resolution and the Speaker will manage the discussion of resolutions according to the same principles outlined to manage the discussion of Bills.

- 39.7 Legislators may propose amendments to a resolution during the discussion. Any proposed amendment must have the support of a majority of Legislators in order to be passed.
- 39.8 After each Legislator has had the opportunity to speak to a resolution, the resolution, as amended, will proceed to second reading and moved to a vote.
- 39.9 A resolution passes by simple majority.

## **SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY**

### **43. Establishment of a Special Committee**

43.1 If, during discussion and debate on an item before the Legislative Assembly, confidential information is requested by a Legislator which, if released, could:

- (a) result in the disclosure of personal information;
- (b) compromise a law enforcement matter;
- (c) disclose information that is subject to solicitor client privilege;
- (d) harm the intergovernmental relations or negotiations of a Tla'amin Institution;
- (e) harm the financial or economic interests of a Tla'amin Institution;
- (f) result in damage to, or interfere with, the conservation of archaeological human remains and burial objects, natural sites, or an endangered, threatened or vulnerable plant or animal;
- (g) harm the spiritual or cultural practices of the Tla'amin Nation, or
- (h) harm individual or public safety,

the Speaker may, if he or she determines that the information requested is essential to the proper consideration of the item, establish a Special Committee of the Legislative Assembly to examine the information and provide a report on its findings to the Legislative Assembly.

43.2 Despite section 43.1, a Special Committee of the Legislative Assembly may not be established if a legislative proposal is at third reading in the legislative process.

### **44. Meetings of a Special Committee**

44.1 The Speaker is responsible for setting the meeting dates and agenda for a Special Committee meeting.

44.2 Members of the Special Committee will be required, before entering a Committee meeting, to sign a confidentiality agreement committing not to divulge any confidential information as identified in section 43.1, which is discussed in the meeting.



- 44.3 Confidential information will not be released or discussed outside of the Special Committee meeting.
- 44.4 The only people permitted to attend meetings of the Special Committee will be Legislators and staff essential to the item being discussed.
- 44.5 During the Special Committee meeting, Committee Members will examine the confidential information and develop recommendations, to be included in a report for the Legislative Assembly.
- 44.6 The recommendations to be included in the report for the Legislative Assembly will be decided upon by a motion to put forward a recommendation, which requires a seconder, followed by a simple majority vote of the Special Committee on the recommendation.

**45. Report of the Special Committee**

- 45.1 The Special Committee will make recommendations to the Legislative Assembly based on the information examined. Those recommendations will be contained in a report to the Legislative Assembly. The report will not contain any of the confidential information discussed at the Meeting.
- 45.2 The report on the Special Committee meeting must be introduced to the Legislative Assembly for consideration during second reading of an item. If a Special Committee has been established in respect of an item, it may not proceed to third reading before the report is introduced.

**MISCELLANEOUS**

**46. Additional rules and procedures**

- 46.1 The Legislative Assembly may specify additional rules of procedure regarding meetings of the Legislative Assembly, provided that they are not inconsistent with this Policy or with Tla'amin law and a majority of Legislators support the inclusion of the specific rule of procedure.