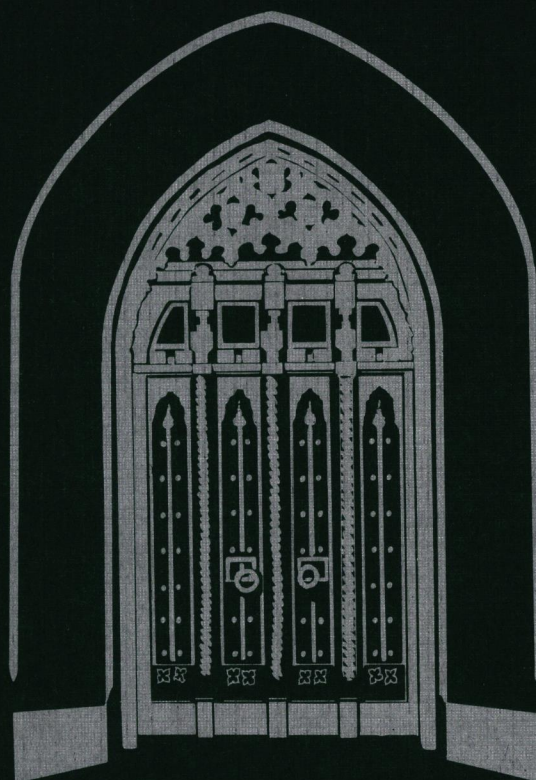


House of Commons  
Canada



**PRÉCIS OF PROCEDURE**  
(Fifth Edition)

Table Research Branch

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# 1. THE SPEAKER, PRESIDING OFFICERS, TABLE OFFICERS

## 1.(a) The Speaker

The Member elected by other Members to be Speaker assumes the position of highest authority in the House, and represents the Commons in all its powers, proceedings and dignity. The duties of the office fall into three categories. First, the Speaker acts as the spokesman of the House in its relations with the Crown, the Senate and authorities outside Parliament. Second, the Speaker presides over the sittings of the House and enforces the observance of all rules for the preservation of order and the conduct of business. Third, the Speaker has extensive responsibilities relating to the administration of the House of Commons. (See Appendices for a list of the Speakers of the House of Commons since 1867.)

### The Speaker as Spokesman

For centuries in Britain, the Speaker's primary duty was to represent the House and to protect its interests with the Crown. While the position has evolved so that presiding over debate is now considered the primary role, certain activities continue to reflect the earlier function as petitioner for and guardian of the privileges of Members.

This aspect of the Speaker's role is best exemplified when, shortly after being elected, the Speaker leads the House to the Senate to inform the Governor General that the Commons has elected a Speaker according to law, to claim the privileges on behalf of the House and to receive the Speech from the Throne. During a parliamentary session, the Speaker will again lead the House to the Senate whenever Royal Assent to legislation passed by the House and Senate is to be given. It is also the Speaker who orally transmits to Members messages received from the Sovereign, the Governor General or the Senate when required. Similarly, the Speaker communicates resolutions of thanks, sympathy, censure or reprimand in the name of the House to any outside body or agent. Whenever a vacancy occurs in the

membership of the House, it is the Speaker's responsibility to issue a warrant to the Chief Electoral Officer for a writ of election.

## The Speaker as Presiding Officer

The Speaker's principal duty as presiding officer is to maintain order in debate and to apply and interpret the practices and traditions of the House. To do this, the Speaker must rely on the Standing Orders -- the written rules of the House -- precedents and various procedural authorities. The Speaker's actions must always be and appear to be impartial; for this reason, the Speaker never participates in debate. In overseeing the conduct of the House, the Speaker seeks to maintain the balance between two fundamental operating principles of Parliament: to allow the majority to secure the transaction of business in an orderly manner and to protect the right of the minority to be heard.

## Maintaining Order

The Standing Orders set down only in general terms the authority of the Speaker to maintain order and decorum in the House. One rule states simply that "the Speaker shall preserve order and decorum, and shall decide questions of order". In practice, the authority of the Speaker is wide-ranging, affecting such matters as Members' dress, disturbances on the floor or in the Galleries as well as the conduct of proceedings and the rules of debate. Since debate is the means by which most decisions are considered, the practices here are, in fact, quite specific. For example, all debate is addressed to the Speaker, not to other Members; even during Question Period, questions are addressed through the Chair. It is the Speaker who possesses the authority to recognize participants in the debate, and who can call to order any Member who indulges in repetition or irrelevant arguments.

The strongest penalty the Speaker can use against a Member is to "name" the Member, and the threat of naming is usually enough to ensure respect for the Speaker's authority. A Member is named for disregarding the authority of the Speaker when, for example, the Member has refused a request to withdraw



unparliamentary language, to desist in irrelevant or repetitious debate, or to stop interrupting a Member who is addressing the House. Persisting in any other disorderly conduct when warned by the Speaker to desist is also a defiance of the authority of the Chair which can lead to naming.

Before naming a Member, the Speaker usually warns him or her several times that in not obeying the Chair, he or she risks being named. If the Member apologizes to the general satisfaction of the Speaker, the incident is usually considered closed and no other measure is taken. If the Member is named, however, the Speaker has two options: he or she may immediately order the offending Member to withdraw from the Chamber for the balance of the day's sitting; alternatively, the Speaker may simply wait for the House to take whatever disciplinary action it deems appropriate. The first is an option introduced in February 1986, and since its adoption, has been used exclusively as a disciplinary measure consequent upon naming. However, should the Speaker choose the second alternative, another Member -- usually the Government House Leader -- will immediately propose a motion to suspend the offending Member. Such a motion is neither debatable nor amendable. Once the motion for suspension has been proposed, the Speaker will put the question. If the motion carries, the Member must withdraw from the Chamber and is also prevented from sitting in Committees of the Whole and in legislative, standing or special committees for the duration of the suspension.

## Legal Status of the Speaker

Provision for the Speakership in Canada is assured not only by tradition and convention, but also by the Constitution. Section 44 of the *Constitution Act, 1867* stipulates that the House of Commons once assembled after a general election "shall proceed with all practicable speed to elect one of its Members to be Speaker". Section 46 states that the Speaker shall preside over all meetings of the House. Sections 45 and 47 treat the matter of vacancy or prolonged absence of the Speaker, and section 49 sanctions the casting vote of the Chair in cases where there is a tie vote among Members on a question before the House.

The *Parliament of Canada Act* specifies the administrative duties of the Speaker and the Deputy Speaker. Other statutes refer to the Speaker with regard to such things as the receiving and tabling of reports and returns or with regard to the Speaker's role in House resolutions.

## Election of the Speaker

At the beginning of a Parliament when the House first assembles, Members are summoned to the Senate by the Deputy of the Governor General, through a message delivered to the House by the Gentleman Usher of the Black Rod. Preceded by the Clerk of the House, the Members go to the Upper Chamber where they are informed that "the Deputy... does not see fit to declare the causes of his [or her] summoning the present Parliament of Canada until the Speaker of the House of Commons shall have been chosen according to Law... ."

On June 27, 1985, the House adopted changes to the Standing Orders, providing for the election of the Speaker by secret ballot. The election process is the first order of business at the opening of the first session of a Parliament, or in the event of the resignation of the incumbent Speaker, or a vacancy in the office for any other reason.

The names of all eligible Members of Parliament, that is, those who have not indicated that they do not wish to be considered for the position appear on the list of candidates. Party leaders and Cabinet Ministers are prohibited from posing their candidacy for the speakership. In voting for the Speaker, Members write the name of their choice on the ballot. Voting continues until one Member receives a majority of the votes cast. After each ballot, the name(s) of the Member(s) who received the least number of votes and the names of all Members who received 5% or less of the total number of votes cast are dropped from the list of candidates.

The election of the Speaker at the opening of a Parliament is presided over by the Member who has the longest period of unbroken service, and who is not a member of the Cabinet, nor holds any office within the House. In the case of a resignation, the incumbent Speaker presides over the process to choose his or her successor.

The election of a Speaker by secret ballot first took place on September 30, 1986, when Speaker Bosley tendered his resignation and presided over the election of the Honourable John Fraser as the thirty-second Speaker of the House of Commons. Speaker Fraser was re-elected as Speaker on December 12, 1988, at the opening of the 34th Parliament. At the opening of the 35th Parliament on January 17, 1994, the Honourable Gilbert Parent was elected Speaker.

### 1.(b) Deputy Speaker and Chairman of Committees of the Whole

The position of Deputy Speaker dates from 1885, when Parliament enacted a law known today as the *Parliament of Canada Act*. The rules subsequently accepted for inclusion in the Standing Orders were based on the provisions of this Act, which vested in the Deputy Speaker all the legal powers of the Speaker when the latter was not in the House, powers which continue to this day.

The Standing Orders oblige the House to elect from among its Members a Deputy Speaker and Chairman of Committees of the Whole at the beginning of every Parliament. The same person performs the duties of both offices and must have full and practical knowledge of the official language which is not that of the current Speaker of the House. Although the Standing Orders do not specify how the "election" is to be conducted, it usually proceeds as follows: a member of the Government, typically the Prime Minister, moves that the House *appoint* a Member as Chairman, such Member usually coming from the government side of the House. The motion for appointment is proposed immediately following the Speaker's report to the House on the Speech from the Throne, and is often resolved without discussion or dissent. The appointment is effective for the life of the Parliament unless a vacancy intervenes in mid-Parliament, at which time a successor is chosen in the same manner.

### 1.(c) Deputy Chairman and Assistant Deputy Chairman of Committees of the Whole

In addition to the Speaker and the Deputy Speaker, the House also elects a Deputy Chairman and an Assistant Deputy Chairman of Committees of the Whole. Their tenure, however, is for a single session rather than an entire Parliament. In the absence of the Chairman of Committees of the Whole, either the Deputy Chairman or the Assistant Deputy Chairman of Committees of the Whole exercises all the powers vested in the Chairman.

Although their titles imply that their duties relate only to Committees of the Whole, these Officers have increasingly acted as Deputy Speakers, following changes introduced in the Standing Orders in 1968. The Speaker of the House is generally in the Chair during Question Period; the Speaker, the Deputy Speaker and the other Presiding Officers share the remaining time in the Chair.

### 1.(d) Table Officers

The Clerk of the House is the chief adviser to the Speaker and to Members of the House of Commons on all administrative and procedural matters. The Clerk is responsible for a wide range of duties relating to the proceedings and official records of the House and its committees and to the general administration of the House of Commons.

The Clerk is assisted at the Table by the Deputy Clerk, the Clerk Assistant, the General Legislative Counsel and several Principal Clerks and Deputy Principal Clerks. These Officers share duties at the Table on a regular basis and may sit on the Clerk's behalf in a temporary absence during a sitting.

The Table Officers are responsible for providing procedural advice to the Speaker and other Chair occupants as well as to other Members as situations arise in the Chamber and in anticipation of events in the House, and for preparing the minutes of proceedings and the division records printed in the *Journals*. They also keep track of

speeches and interventions and advise the Chair on the application of time limits for various debates.

## 2. OPENING OF PARLIAMENT AND BEGINNING OF A SESSION

The *Constitution Act, 1867* provides that "The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons". The "Instrument" is two proclamations issued on the advice of the Prime Minister: the first setting the date for the commencement of the session (which can be subsequently advanced or put back); the second confirming the date of the first and setting a time of meeting. The five-year limit of the House of Commons is specified in both the *Constitution Act, 1867* and the *Constitution Act, 1982*; the latter also specifies that Parliament must sit at least once every 12 months. (See Appendices for a list of Parliaments since 1867.)

### 2.(a) Formal Opening of a Parliament

The formal opening of the first session of a Parliament is distinguished from the opening of subsequent sessions by two preliminary proceedings: the taking and subscribing of the Oath of Allegiance by Members, and the election of a Speaker.

When the House has first assembled prior to the hour of the formal opening of a Parliament, the Clerk of the House leads the Members to the Senate, where they are informed that the Speech from the Throne will not be read until the Members have elected a Speaker. Upon their return to the House, the Members proceed with this election, and having done so, the House is now properly constituted.

At the hour of the formal opening of Parliament, the House receives the Gentleman Usher of the Black Rod, who requests the presence of "this Honourable House in the Chamber of the Honourable the Senate". The meeting of Parliament in the Senate Chamber follows the practice established in Britain that no monarch, or monarch's representative, has entered the House of Commons since King Charles I in 1642, and that the place of the sovereign in Parliament is in the Upper House. The Speaker addresses the Governor General by an established formula stating that he or

she has been elected by the House of Commons as Speaker and, for the Commons, "humbly claim[s] all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable construction". On behalf of the Governor General, the Speaker of the Senate replies with a similarly stylized affirmation, including that he or she "grants, and upon all occasions will recognize and allow their constitutional privileges". This claiming of privileges, like many parliamentary ceremonies, has its origins in constitutional history when the Commons were fighting for their privileges in the face of royal tyranny in Britain: the first record there of such a claim dates from 1554. Significant nowadays among those specified privileges is freedom of speech: anything said in the Senate, House of Commons or in committee as part of parliamentary business is not actionable in the courts.

## 2.(b) Speech from the Throne

Following the claim to privileges and the reply, the Governor General reads the Speech from the Throne, imparting the causes of summoning Parliament, prior to which declaration neither House can proceed with any public business. The Speech from the Throne formally opens the first session and any subsequent sessions of a Parliament, and marks the first occasion of "Parliament Assembled" in its three constituent parts: the House of Commons, the Senate, and the Sovereign or the Sovereign's representative. In the first session of a Parliament after the Speech from the Throne, the Speaker and Members return to the House where the Speaker reports the claim to privileges and the reply, and the causes of the summoning of Parliament. (In subsequent sessions, only the causes of summoning are reported.) The business for that day's sitting then proceeds.

Among the items on the agenda are the following: the Prime Minister's introduction of a Bill *pro forma* [Bill C-1] which, although it receives first reading, will not be proceeded with any further, as it is introduced only to assert the House of Commons' right to pass legislation and deliberate without reference to the causes of summons expressed in the Governor General's speech; the Speaker's report that a copy of the Governor General's speech has been obtained to be printed in the *Debates*;

the Prime Minister's motion that the Speech from the Throne be considered either this day or on some future day, which consideration will be on the motion for the Address in Reply to the Speech from the Throne; the Prime Minister's motion to elect a Chairman of Committees of the Whole House (who is also the Deputy Speaker) and the appointment of the Deputy Chairman of Committees of the Whole House and the Assistant Deputy Chairman of Committees of the Whole House. Also on this day, the Speaker announces the appointment of members of the Board of Internal Economy and a motion for the appointment of the Standing Committee on Procedure and House Affairs is moved. Finally, the Standing Orders require the House at the beginning of each session to designate by motion a continuing Order of the Day for the consideration of the business of supply.



### 3. ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE

When the House returns from the Senate after the Speech from the Throne, its business includes a routine motion by the Prime Minister that the Throne Speech be considered either that day or on some future day. On the specified day, the proceedings which result in the House of Commons' response to the Throne Speech -- the Address in Reply to the Speech from the Throne -- begin when a government Member not of the Ministry moves that an Address be presented to the Governor General (or more rarely, the Sovereign) "to offer our humble thanks... for the gracious speech which Your Excellency has addressed...". Following the speech of another government private Member who seconds the motion, the House normally adjourns to the first of six (not necessarily consecutive) days for resuming debate on the motion and on any amendments.

As the motion itself is relatively unspecific, debate is very wide-ranging, providing one of the few opportunities for private Members to speak on topics of their choice. The normal rules of debate apply. All Members except the Prime Minister and the Leader of the Opposition are restricted to 20-minute speeches, followed by a 10-minute questions and comments period after each speech.

The calling of the Order on a particular day for resuming debate on the motion is at the discretion of the Government. When debate is resumed, the Order takes precedence over all other business including Private Members' Business, except the Daily Routine of Business. On the first of the six days of formal debate (so-called Leaders' Day), the first speaker is the Leader of the Opposition, who may conclude by proposing an amendment to add words to the original motion. The Prime Minister speaks next, followed by the leader of the second largest party in opposition, who may offer a subamendment.

Opposition amendments and subamendments entail direct questions of confidence in the Government. Again, given the unspecific nature of the main motion, the rule of relevance is not strictly applied to such "no-confidence" amendments. A procedurally acceptable amendment will add some specific element of its own; a subamendment

may propose an addition to or deletion from the words of the amendment, and must be relevant to it.

Only one amendment and one subamendment can be before the House at any one time. The opportunity to present amendments and subamendments is restricted by Standing Orders that require all of them to be disposed of well before the main motion is put to the House. Specifically, on the second day of resumed debate, the Speaker interrupts the proceedings 15 minutes before the ordinary adjournment hour to put the question on any subamendment under consideration; on the fourth day of resumed debate, the Speaker interrupts the proceedings 30 minutes before the ordinary adjournment hour to put the question on all amendments and subamendments; on or after the fifth day of resumed debate, the main motion is not subject to amendment; and finally, on the sixth day of resumed debate (unless the debate has previously concluded) the Speaker interrupts the proceedings 15 minutes before the ordinary adjournment hour to put every question necessary to dispose of the main motion.

Immediately following the adoption of the main motion, the House agrees to a motion that the Address be engrossed and presented to the Governor General in person by the Speaker.

Any of the six days of resumed debate not used up by the debate on the Address in Reply may be added to the number of allotted days in the current supply period.

#### 4. PARLIAMENTARY PRIVILEGE

Among the strongest and oldest traditions associated with Parliament is the status of privilege accorded the institution and the individual Member to ensure for each the ability to function freely and unhindered. "Parliamentary privilege", as discussed extensively in *Erskine May's Parliamentary Practice*, is defined as "the sum of the peculiar rights enjoyed by each House collectively... and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals".

Foremost of these privileges is freedom of speech. Freedom of speech recognizes the right of the House to exclusive control of its own proceedings. "This right includes the power to initiate, and consider in such order as it pleases, matters of legislation or discussion, as well as the privilege of freedom of debate proper." Every Member may state "whatever he [or she] thinks fit in debate, however offensive it may be to the feelings, or injurious to the character, of individuals; and he [or she] is protected by his [or her] privilege from any action or libel, as well as from any question or molestation". The only restraint on speech is such as the House itself has decided by its rules and practices.

Closely related to and sometimes confused with the concept of breach of privilege is that of contempt of Parliament, which *Erskine May* describes as any act or omission which offends against the authority or dignity of Parliament. In themselves, such acts or omissions need not involve the breach of any specific privilege, but can include disobedience to a legitimate command of the House or libels against it, its Officers or its Members. Thus, for example, the refusal of a witness to appear or to testify when summoned before a committee of the House could be regarded as a contempt.

Any claim that a privilege has been infringed upon or a contempt committed should be brought to the attention of the House at the earliest reasonable opportunity in order to receive prompt consideration. This requirement can be fulfilled by raising the matter immediately when the alleged breach occurs or, if it did not arise during proceedings of the House, by giving the Speaker at least one hour's written notice before raising it in the House.

When a Member is recognized on a matter of privilege, the complaint should be stated concisely and briefly. Breaches of privilege usually involve matters relating to a proceeding of the House or a committee, but they can also concern events which took place outside Parliament. The Speaker will hear the Member and may permit comment from others who are directly implicated in the matter. The Speaker may also seek the advice of other Members, but these Members speak on the question only by leave of the Chair. The Speaker's purpose is to determine only whether there is a *prima facie* case of privilege; i.e., whether the matter appears to warrant priority of debate or consideration. The decision to give the matter precedence over all other House business belongs exclusively to the Speaker, who may defer the decision for further study, and will so inform the House. In judging the matter, the Speaker may take into account the extent to which it infringed upon the Member's ability to perform his or her parliamentary duties or demonstrated a contempt against the dignity of Parliament. Often, while acknowledging that a complaint is a legitimate grievance, the Speaker will nonetheless determine that evidence is not sufficient to allow the matter the precedence of debate that a *prima facie* breach of privilege would warrant.

If the Speaker finds there is a *prima facie* breach of privilege, an appropriate motion, usually referring the matter to the Standing Committee on Procedure and House Affairs is moved. Debate on this motion is then allowed precedence and will conclude with a vote accepting or rejecting the motion. If accepted, the matter is studied by the Standing Committee which may examine witnesses. A report of the Committee's findings and recommendations will be presented to the House and a motion to concur in the report can be subsequently moved.

## 5. QUORUM

The *Constitution Act, 1867* and the Standing Orders provide for a fixed quorum of at least 20 Members, including the Speaker, to constitute a meeting of the House to exercise its powers.

Should a quorum appear not to exist at the time the House meets, a count of the House will be taken. If 20 Members are not present, the Speaker will adjourn the House until the next sitting day. The Speaker may take such an initiative only before the House has been called to order; once the sitting begins, the Speaker cannot take any initiative respecting a quorum but must wait to have the matter raised by a Member.

During a sitting, any Member may draw the Speaker's attention to the lack of a quorum, and such a request for a "count" supersedes any question before the House. If a quorum is obviously present despite attention being drawn to its apparent lack, or if a recent count has shown a quorum, the Speaker may simply announce that he or she sees a quorum, dispense with the count, and proceed with business. Should doubt exist as to a quorum, a count will be made; if a quorum is present, business will continue. However, if no quorum exists after the first count, the bells are ordered to be rung until such time as the Chair wishes to conduct a count of the House, but for no longer than 15 minutes, after which, if no quorum is present, the Chair will adjourn the House until the next sitting day. Any Order of the Day under consideration at the time, with the exception of an item of Private Members' Business not selected to come to a vote, will remain on the *Order Paper* at the same place. (A count that reveals lack of quorum in a Committee of the Whole is reported immediately to the Speaker, who proceeds as set forth above.)

A number of ancillary rules operate concerning the determination of a quorum. A Member who calls quorum need not remain in the House. Furthermore, a Member who calls quorum while speaking and subsequently leaves the House may, upon returning after a count that confirmed a quorum, resume speaking. Finally, if the lack of a quorum goes unnoticed during a vote, the sum of the votes taken after a division, in addition to the Speaker and Members present at the time who did not vote, must

nonetheless total at least 20; if not, and the Speaker's attention is drawn to the fact at the time, the question remains undecided.

Whether a quorum is present or not, the House may receive a message from the Governor General for its attendance in the Senate. When the Gentleman Usher of the Black Rod knocks, the Speaker takes the Chair, receives the message, and proceeds to the Senate. Upon returning, the Speaker takes the Chair, since the sitting has officially begun, and conducts business until attention is drawn to the lack of a quorum.

## 6. DAILY PROCEEDINGS OF THE HOUSE

The "Daily Proceedings of the House", a generic term not found in the Standing Orders, includes three events that take place daily in the House, each of which is covered separately in the Standing Orders. These three events are "Prayers", "Statements by Members Pursuant to Standing Order 31", and "Oral Questions". (See Appendices for the complete daily order of business.)

### 6.(a) Prayers and National Anthem

At the start of the day's sitting, the Speaker reads Prayers, after which the Speaker orders that the doors be opened to allow the public to enter the Galleries; the daily business then commences. Housekeeping or other *in camera* matters, however, may be discussed before the public is admitted.

The custom of reciting a prayer at the beginning of each sitting of the House began in 1877, following the recommendation of a Special Committee appointed to consider the matter. The Committee's report suggested that the prayer be read before the doors were opened, in keeping with the practice of the Senate and the British House, and included a suitable prayer which was used until 1994.

The sectarian nature of the original prayer and its references to the Sovereign were the source of some discussion for years after its adoption, as was the tradition of reading it behind closed doors. Over the years, various committees on reform of the House suggested alternatives to the practice, including a revised prayer, admission of the public and even that representatives of various faiths lead the House in prayer each day. In 1994, the House adopted a new, much shorter prayer, which is more reflective of the multicultural and multifaith nature of Canada.

In 1995, the House concurred in a report of the Procedure and House Affairs Committee which recommended that the Members sing the national anthem at the beginning of each Wednesday sitting. This new practice was started on November 22, 1995.

## 6.(b) Statements by Members Pursuant to Standing Order 31

Standing Order 31 reads: "A Member may be recognized, under the provisions of Standing Order 30(5), to make a statement for not more than one minute. The Speaker may order a Member to resume his or her seat if, in the opinion of the Speaker, improper use is made of this Standing Order." Shortly after 2:00 p.m. on Monday, Tuesday, Wednesday and Thursday, and 11:00 a.m. on Friday, the Speaker calls "Statements by Members". Until 15 minutes past the hour, Members recognized by the Speaker may speak on matters of their own choosing for up to one minute. If a Member continues to speak past the allotted time, the Speaker interrupts to inform the Member that the time has expired. At the end of the period, the Speaker calls "Oral Questions".

During "Statements by Members" the following general guidelines apply, subject to the Speaker's discretion: if the proceedings start promptly at 2:00 p.m. or 11:00 a.m., usually 15 Members will speak; however, if the proceedings are delayed, the 15-minute period is reduced accordingly and may be eliminated entirely for that sitting. The opportunity to speak is allocated equally to private Members of all parties. Members may speak on any matter of concern, and not necessarily on urgent matters only. The Speaker may rule out of order any personal attacks, attempts to move a motion by unanimous consent, congratulatory messages, recitations of poetry, or clearly frivolous issues.

## 6.(c) Oral Questions

"Oral Questions" is a part of all regular sittings, following "Statements by Members", and lasts 45 minutes pursuant to Standing Order 30(5): "Not later than 2:15 o'clock p.m., or 11:15 o'clock a.m., as the case may be, oral questions shall be taken up."

The Standing Orders specify that questions are to be addressed to Ministers and are expected to involve matters of urgency, although on occasion, questions seeking information about their respective committees are allowed to be put to Committee



Chairmen who are not Ministers. In addition, questions may be directed to a member of the Board of Internal Economy.

Among the many pronouncements and observations on the conduct of the oral Question Period, some guidelines were adopted by the House in 1964 and others set out by the Chair in 1975. On February 24, 1986, the Speaker indicated that certain traditional guidelines would remain in force, while others had changed with practice over time, and that the appropriate guidelines for Question Period ought to be respected for the realization of the principal objective: "the seeking of information from the Government and calling the Government to account for its actions". These guidelines leave the Speaker discretion in allowing a question and even wider latitude with regard to supplementaries. For several years, the Speaker has generally interrupted if the question is too long or if the length or technical nature of the answer suggests that it would be better dealt with as a question on the *Order Paper*.

In rising during Question Period, a Member should pose a question, be brief, seek information, and address the question to an important matter of some urgency that is within the administrative responsibility of the Government or the Minister addressed. A question should not be a statement, representation, argument, or an expression of opinion; be hypothetical; seek an opinion, either legal or otherwise; suggest the answer; address a Minister's former portfolio or any other presumed responsibility apart from the portfolio he or she currently holds; have been previously answered; be on a matter that is *sub judice*; or anticipate the Orders of the Day.

In response to a question, Ministers may answer, defer an answer, take the question as notice, explain briefly why they cannot give an answer at that time, or say nothing. Supplementary questions should contain no preamble or statement, be precise and be presented directly and immediately to the Minister.

Members who consider the answers they receive unsatisfactory may raise the questions again during the adjournment debate, providing they give written notice to the Table not later than one hour following Question Period on the day the question was raised. If the matter has not been raised on or before the forty-fifth sitting day following the notice, it is deemed withdrawn.

## 7. ROUTINE PROCEEDINGS

At 3:00 p.m. on Mondays and Wednesdays, at 10:00 a.m. on Tuesdays and Thursdays, and at 12:00 noon on Fridays, the House proceeds (unless delayed by a question of privilege or a point of order) to the ordinary daily routine of business outlined in the Standing Orders. The Speaker calls each of the following headings of routine business in turn and recognizes those Members who are ready to proceed. Usually they will previously have indicated to the Chair or the Table their wish to raise an item under an appropriate heading.

### 7.(a) Tabling of Documents

This first item is called by the Speaker as a separate activity at the beginning of Routine Proceedings. Until 1968, a Minister had to obtain leave (usually under "Motions") to table a document unless required to table it by statute or Order of the House. Since 1968, the Standing Orders have provided that a Minister, or his or her Parliamentary Secretary, may table any report or paper so long as it deals with a matter within the administrative competence of the Government.

Moreover, since 1986 the Standing Orders require the Government to table a comprehensive response to a committee report within 150 days of its being tabled if the committee so requests. Such tabling is done by a Minister or his or her Parliamentary Secretary during "Tabling of Documents". Similarly, since 1986 the Standing Orders oblige the Government to table responses to petitions referred to it within 45 days, as well as announcements of nominees or appointees by Order in Council.

The tabling of documents can be done in two ways, often referred to as tabling "by the front door" and "by the back door".

Standing Order 32(1) states: "Any return, report or other paper required to be laid before the House in accordance with any Act of Parliament or in pursuance of any resolution or Standing Order of this House may be deposited with the Clerk of the

House on any sitting day or, when the House stands adjourned, on the Wednesday following the fifteenth day of the month. Such return, report or other paper shall be deemed for all purposes to have been presented to or laid before the House." This is referred to as the "back door" method of tabling. When a return or report is presented pursuant to an Act, it is deemed permanently referred to the appropriate standing committee.

Standing Order 32(2) states: "A Minister of the Crown, or a Parliamentary Secretary acting on behalf of a Minister, may, in his or her place in the House, state that he or she proposes to lay upon the Table of the House, any report or other paper dealing with a matter coming within the administrative responsibilities of the government, and, thereupon, the same shall be deemed for all purposes to have been laid before the House." This method of tabling ("by the front door") is the item during Routine Proceedings that takes place when the Speaker calls "Tabling of Documents".

A Minister may choose to table a document which is *required* to be laid before the House (pursuant to Standing Order 32(1)) by either the "front door" or the "back door" method. Where a Minister is tabling a document on his or her own initiative, it must be tabled according to the provisions of Standing Order 32(2) or by the "front door".

If a Minister cites or quotes an official document in debate, he or she should be prepared to table it; however, a private Member has neither the right nor the obligation to table any document except by the unanimous consent of the House. The Standing Orders permit voluntary tabling only by Ministers or their Parliamentary Secretaries, who are under no obligation to present material requested by private Members (unless, as stated above, they are required to table material from which they have quoted).

## 7.(b) Statements by Ministers (and the Thursday Statement)

The Standing Orders allow but do not oblige a Minister to make a statement in the House during Routine Proceedings. The heading "Statements by Ministers" is of recent origin, though the House practice of receiving statements from Ministers has been well established for years. The Standing Orders provide that after a Minister's

statement, the Speaker can determine (usually by apportioning equal time to all parties) the time for comments from opposition party spokesmen.

Changes to the Standing Orders in June 1985 and February 1986 eliminated the possibility of posing questions after a ministerial statement, and provided for the possibility of adjusting the schedule of the daily sitting to retain the total time reserved for Government Orders and Private Members' Business by extending, if necessary, the normal daily hour of adjournment.

The "Thursday Statement", as the name indicates, takes place each Thursday at the end of "Oral Questions", when the Government House Leader, usually in response to a question at this time from the Opposition, announces the government business to be considered in the succeeding week. (Until 1968 it had been the custom of the House Leader to announce at the close of each sitting the order of business for the following day, a practice still provided for in the Standing Orders.) The present procedure with respect to the Thursday Statement was announced by the Government House Leader on September 23, 1968. Since then, it has become the practice of the Chair, at the end of Oral Questions on Thursdays, to recognize the Opposition House Leader regarding the disposition of House business, followed if necessary by short questions for clarification.

The Thursday Statement is not referred to specifically by any Standing Order, nor is it considered a formal practice. It may simply be considered as a somewhat different type of ministerial statement, developed through tradition to its present form.

### 7.(c) Presenting Reports from Inter-parliamentary Delegations

This relatively new item, following changes to the Standing Orders in 1986, is called after "Statements by Ministers". The head of an inter-parliamentary delegation (or a Member acting on his or her behalf) presents to the House a report on the activities of the delegation within 20 sitting days of its return to Canada. The Standing Orders provide that the Member presenting the report may also give a brief summary of its subject-matter.

## 7.(d) Presenting Reports from Committees

Committees use the mechanism of reports to the House as a means of advising the House of their activities and decisions. Committees submit reports only on the following subjects: bills, routine or procedural matters, estimates and subject-matter inquiries, matters related to their Orders of Reference, the management and operations of relevant departments, and Order in Council appointments.

The Speaker calls "Presenting Reports from Committees". If a committee report is to be presented, the Chairman or, in his or her absence, a member of the committee, will rise to be recognized by the Chair, and state that he or she has "the honour to present the Report of the Standing (Legislative, Special or Joint) Committee on... ." He or she is then permitted to give a succinct explanation of the subject-matter of the report. In April 1991 the Standing Orders were amended to allow supplementary or dissenting opinions or recommendations to be appended. In such cases, a committee member of the Official Opposition may rise to provide a brief explanation of these. If the committee wishes a government response to its report, the request is made at this time. The related *Minutes of Proceedings* are also tabled.

A motion to concur in a report may be moved under "Motions", 48 hours after notice has been given. However, if concurrence is sought without notice by unanimous consent (usually because the report concerns the powers or sittings of the committee; for example, seeking an extension of its deadline or power to travel), the Chairman will state after presenting the report that he or she intends to move concurrence "later this day". Later, under "Motions", the Chairman rises and seeks unanimous consent to move concurrence, a motion which is debatable.

Until December 1981, the practice of the House was to print the text of all reports in the *Journals*. Now, only reports on committee membership changes and the selection of votable items for Private Members' Business are usually printed in the *Journals*. Other committee reports are printed in the committees' *Minutes of Proceedings* or as separate documents in the same format.

## 7.(e) Introduction of Government Bills

Prior to June 1987, all public bills sponsored either by the Government or private Members were introduced under the former heading "Introduction of Bills". Following amendments to the Standing Orders, that heading has now been divided into "Introduction of Government Bills" and "Introduction of Private Members' Bills". During Routine Proceedings, "Introduction of Government Bills" comes immediately after the presentation of committee reports and immediately before the Speaker calls "Introduction of Private Members' Bills". Under this item of business, public bills sponsored by the Government are listed in the *Order Paper* in chronological order, following a minimum of 48 hours' notice.

The Speaker reads the list, referring to Ministers by their respective responsibilities. When called, the Minister wishing to introduce the bill nods and the Speaker proposes the motion for leave to introduce the bill. While Standing Orders then permit the sponsor to give a succinct explanation of the provisions of the bill, in actual practice the explanation is given after the House has agreed to the question. A Minister introducing a bill does not usually take this opportunity to explain the measures. If he or she is not in the House or does not wish to introduce the bill when it is called, the bill stands on the *Order Paper* for introduction another day.

A motion for leave to introduce a bill is deemed carried, without debate, amendment or question put; discussion of the merits of the bill may take place on the motion for second reading.

Leave to introduce the bill having been given automatically, the Speaker proposes to the House that the bill be read a first time and be printed. This motion also is deemed carried, without debate, amendment or question put.

The Speaker states that the motion is carried and at once proceeds to ask: "When shall the bill be read a second time?" The answer is generally: "At the next sitting of the House". (The phrase "next sitting of the House", when used to state the time until which a question is ordered to stand over, means the future sitting at which this question shall come up according to the precedence given to it by the Standing Orders, the Government determining the order in which government legislation is called.) The

bill is then placed on the *Order Paper* in its proper place for a second reading at a future time.

Amendments made to the Standing Orders in February 1994 outlined procedures by which a committee could be charged to prepare and bring in a bill. When such a committee concludes its study and reports to the House, concurrence in the committee's report is an order to bring in a bill based on the said report. When a Minister introduces a bill and, in proposing a motion for first reading, notes that the bill is in response to this order, second reading debate on this bill cannot begin until three sitting days after the bill receives first reading.

A number of conventions and practices have been established to regulate the introduction of bills. First, no bill may be introduced in an incomplete form; should such a bill pass first reading, the Chair will order that any consideration given to it be declared null and void. Only when the full text is available may the Minister ask for leave to introduce it pursuant to the Standing Orders. Second, the Speaker, unless previously informed, will choose a seconder for the bill. However, that Member is not required to accept that responsibility. Finally, a bill standing in a Minister's name may be moved on his or her behalf by another Minister.

To ensure that the Government is not prevented in any way from introducing its legislation, the Standing Orders as amended in June 1987 now provide that the House must complete "Introduction of Government Bills" every day. If the heading is not completed by the ordinary hour of daily adjournment, the House continues to sit to complete all the headings under Routine Proceedings up to and including "Introduction of Government Bills", whereupon the Speaker adjourns the House.

#### 7.(f) Introduction of Private Members' Bills

Any public bill sponsored by a Member who is not part of the Ministry may be introduced under this heading. The procedures here are exactly the same as for bills introduced by the Government under the previous heading: the notice period is the same; the Speaker reads the heading "Introduction of Private Members' Bills" from the *Order Paper*, and a Member wishing to introduce his or her bill nods to indicate a

desire to proceed at that point. Leave to introduce having been automatically obtained, the Member is then permitted to give a succinct explanation of the bill's contents. The Speaker then proposes to the House that the bill be read a first time and printed. This motion is deemed carried without debate, amendment, or question put and the bill is then ordered for second reading and put on the *Order Paper* in its proper sequence.

The only significant differences between the procedures for this and for the introduction of bills sponsored by the Government are first, that bills introduced by private Members may not generally infringe upon the financial prerogative of the Crown; that is, they may not involve a tax, or a burden on the public treasury. Second, the Standing Orders do not provide that the House must complete all items under this heading every day. Third, while one Minister may move the introduction of a bill on behalf of another Minister, a private Member must be present in the House and move the introduction and various reading stages of a bill standing in his or her name.

### 7.(g) First Reading of Senate Public Bills

Under Routine Proceedings, "First Reading of Senate Public Bills" comes immediately after "Introduction of Private Members' Bills" and before "Motions". As soon as a Senate bill has been passed by the Senate, a message is sent so informing the House of Commons. The Speaker does not interrupt any business which is proceeding at the time, but announces the message, handed to him or her by the Clerk, at the first convenient opportunity.

The Speaker reads the message, stating: "I have the honour to report to the House that the Senate has sent a message advising that it has passed Bill S-..., An Act ... , and requests the concurrence of the House." Receipt of the message is equivalent to the House agreeing to leave for the introduction of the bill. The bill is then placed on the *Order Paper* under "First Reading of Senate Public Bills" in Routine Proceedings. If the Member (or Minister) sponsoring the bill in the House of Commons is not present, or desires not to move first reading of the bill, the Speaker usually assumes that the Government and the House wish it to stand, and proceeds accordingly. If the bill is not sponsored, no further action is taken. If the Member (or Minister)



sponsoring the bill nods in agreement when called by the Chair, the question for first reading is put as follows: "That Bill S-..., An Act... , be now read a first time." Senate public bills are not printed again. The question is decided without debate, amendment or question put.

The Speaker then asks: "When shall the bill be read a second time? At the next sitting of the House?" This constitutes an order for second reading, which subsequently appears on the Orders of the Day under "Government Orders" if the bill is sponsored by a Minister of the Crown, and under "Private Members' Business" in the order of precedence if not.

The notice of first reading of a Senate public bill may be struck from the *Order Paper* if the bill infringes upon the royal prerogative in financial matters. Section 54 of the *Constitution Act, 1867* and the Standing Orders state that the House shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue that has not been first recommended to the House by a message from the Governor General; that is, by Royal Recommendation.

The Standing Orders further state that all measures for spending public funds or imposing taxes ought to originate in the House of Commons and are not alterable by the Senate. (The Senate, however, disputes part of the interpretation given to this rule.) Finally, the Standing Orders state that the House will not insist on this privilege when Senate public bills impose or alter pecuniary penalties "provided that all such penalties thereby imposed are only to punish or prevent crimes and offences, and do not tend to lay a burden on the subject, either as aid or supply to Her Majesty, or for any general or special purposes, by rates, tolls, assessments or otherwise".

## 7.(h) Motions

In the daily routine of business, the heading "Motions" immediately follows "First Reading of Senate Public Bills" and precedes "Presenting Petitions". The types of motions normally moved under "Motions" are those relating to the business of the House, usually moved by the Government, or those relating to the discussion of committee reports, usually moved by a private Member. The Standing Orders

enumerate other types of motions that may be presented during Routine Proceedings: "such other motion, made upon Routine Proceedings, as may be required for the observance of the proprieties of the House, the maintenance of its authority, the appointment or conduct of its officers, the management of its business, the arrangement of its proceedings, the correctness of its records, the fixing of its sitting days or the times of its meeting or adjournment." The motions listed in this Standing Order and motions for the concurrence in a report of a standing or special committee are debatable.

When debate on any motion considered during Routine Proceedings is adjourned or interrupted, the order for resumption of the debate is transferred to Government Orders and considered in such sequence as the Government determines. If the Member (or Minister) who has given notice of motion is not in the House or does not wish to move it, the Speaker usually assumes that the Government and the House wish it to stand, and acts accordingly.

The Standing Orders state that no notice is required for motions concerning "the times of meeting or adjournment of the House". Notice is required, however, if the motion to adjourn pertains to the days on which the House does not sit, although the House can suspend this notice requirement by unanimous consent. Such motions are usually considered as part of the daily routine of business under "Motions".

A new Standing Order was adopted in April 1991 which deals with routine motions whose presentation requires unanimous consent, but for which consent has been denied. When this occurs, a Minister may rise under "Motions" during Routine Proceedings and request that the motion be proposed. The question is then put, without debate or amendment. If fewer than 25 Members rise to object, the motion is adopted; otherwise the motion is deemed withdrawn.

Motions for concurrence in committee reports are usually listed (when the notice set out in the Standing Orders is required), called and disposed of under "Motions" on the *Order Paper and Notice Paper*. The notice of motion for concurrence in a committee report may be given and the motion moved by any Member of the House of Commons, although it is usually done by the chairman of the committee. Such a motion may be moved without prior notice with the unanimous consent of the House

during the sitting in which it is presented. If unanimous consent is not given, the 48 hour notice rule then applies.

A motion to concur in the report of any committee on estimates or on the report of any committee dealing with a department's or agency's future expenditure plans and priorities may only be debated on one of the 20 allotted days. A motion to refer items in the Main Estimates or in Supplementary Estimates to standing committees is decided without debate or amendment and may be moved during Routine Proceedings by a Minister of the Crown.

A motion to concur in the report of a committee which has been charged to prepare and bring in a bill will be considered under Government Orders, if moved by a Minister, and under Private Members' Business, if moved by a Private Member.

#### 7.(i) Presenting Petitions

Members wishing to present petitions in the House do so during a period not to exceed fifteen minutes in Routine Proceedings after "Motions" and before "Questions on *Order Paper*" is called. A petition may also be presented simply by filing it with the Clerk at any time during a sitting.

Before being presented, a petition must be examined as to form and content and certified by the Clerk of Petitions. If the petition meets the requirements specified in the Standing Orders, the Member presenting the petition, after being recognized by the Chair, makes a brief statement to inform the House of the content of the petition; the petition itself is not read, and no speech may be made or argument presented in support of the petition; nor is debate allowed following the presentation of a petition. The Government is obliged to respond within 45 days to all petitions referred to it.

Various conditions also apply to the presentation of petitions. Aliens, not resident in Canada, have no right to petition Parliament; nor may ordinary citizens of Canada address the House directly -- their petitions must be dated, presented and endorsed (that is, signed on the reverse side) by a Member. No Member who has not taken the Oath of Allegiance or made a solemn Affirmation shall present a petition. A Member

cannot be compelled to present a petition and no action may be taken against a Member for refusing to do so.

A number of conventions and practices have been established which further regulate the presentation of petitions. Because the Speaker may not take part in debates and may have to decide the regularity of petitions, he or she must use the services of another Member when asked by his or her constituents to present a petition on their behalf. Petitions on matters relating to the election of Members or involving a burden upon the public revenue or concerning a matter delegated by Parliament to another body cannot be received by the House.

Any forgery or fraud in the preparation of petitions or signatures, or any complicity in or knowledge thereof, renders the perpetrator liable to punishment for breach of privilege; following a question of privilege, the House will act to consider and decide the offence.

## 7.(j) Questions on *Order Paper*

Following amendments to the Standing Orders adopted in June 1987, "Questions on *Order Paper*" is now included as the last heading under Routine Proceedings.

Members may pose questions to the Government either orally during Question Period, or in writing. If the question involves a lengthy, detailed or technical response, the Member gives 48 hours' written notice of his or her intention to ask such a question. In giving notice, the Member may also request an answer within 45 days, indicating as well if he or she wishes the answer to be given orally. After the notice requirement has been fulfilled, the question (or questions -- each Member may have a maximum of four on the *Order Paper* at any one time) appears on the *Order Paper*. Since the questions tend to accumulate faster than they can be answered, a list of all outstanding questions is available at the Table in the House for consultation by Members.

When "Questions on *Order Paper*" is called during Routine Proceedings, a Parliamentary Secretary rises in his or her place to announce which question(s) the

Government intends to answer on that particular day. Should it choose to do so, the Government may answer written questions in one of two ways. First, the Parliamentary Secretary simply indicates to the House the number (or numbers) of the question(s) being answered, and the text of the answer appears in the *Debates* of that day as if the Minister to whom the question was directed had actually stood in the House and given a full reply.

The second method is that the Government may request the House to make a certain question an "order for return"; that is, that the House order the Government to table a return which will serve as a response to the question. When this occurs, the tabled response is filed with the Clerk as a Sessional Paper, open to public scrutiny; the text does not, however, appear in the *Debates*.

If a Member has requested that question be answered within 45 days and it remains unanswered after that time, he or she may rise during "Questions on *Order Paper*" and give notice of his or her intention to raise this matter during the adjournment proceedings of the House. The question is then removed from the *Order Paper*.

Upon concluding Routine Proceedings, which often takes only 15 minutes, the House then proceeds to the consideration of the order of business for the sitting.

## 8. TABLING REPORTS AND RETURNS

The presentation of reports and returns is one method by which the House obtains information. The Standing Orders state that at the beginning of each session of Parliament the Clerk of the House shall have a list printed and delivered to all Members of the "reports or other periodical statements which it is the duty of any officer or department of the government, or any bank or other corporate body to make to the House, referring to the Act or resolution, and page of the volume of the laws or *Journals* wherein the same may be ordered; and placing under the name of each officer or corporation a list of reports or returns required to be made, and the time when the report or periodical statement may be expected". Reports and returns are presented to the House by either the Minister responsible for providing the information (or by the Minister's Parliamentary Secretary) or, in certain cases, by the Speaker. Tabling is done voluntarily, on the initiative of the Minister or the Speaker, or by obligation which may be imposed in a number of ways. The House may obtain reports and returns only under the following conditions:

**By Act of Parliament:** That is, a statute requires that certain reports, accounts and other documents be laid before Parliament, often setting forth the specific circumstances for tabling. For example, the statutes require Ministers to table annual reports of the departments, agencies and commissions which fall under their administrative responsibilities. Also, various statutes identify the Speaker as the individual through whom reports are to be laid before the House. Reports tabled under such provisions include, among others, those of the Chief Electoral Officer, the Auditor General, the Commissioner of Official Languages, the Access to Information Commissioner and the Privacy Commissioner.

**By Address to the Crown:** This includes correspondence between the federal and other governments; Orders in Council; and papers concerning the administration of justice, the judicial conduct of judges and the exercise of the prerogatives of the Crown

**By Order of the House:** That is, the House orders the tabling of reports and returns concerning matters directly related to federal departments or business of the House. Information from any department constituted or regulated by statute is generally obtained by means of an order.

**By command of the Governor General:** Reports have been tabled in the House by command of the Governor General, although this practice has not been followed recently.

**By Standing Order:** The Standing Orders provide that the tabling of certain reports is the responsibility of either the Speaker or, in certain cases, of the Government. For example, the Speaker must table a report of the proceedings of the Board of Internal Economy; the Government, when so requested by a committee, must table a response to a report within 150 days of its presentation. A similar Standing Order applies to petitions: the Government must reply within 45 days to every petition referred to it. Further, pursuant to another Standing Order, a Minister must table a certified copy of every Order in Council appointment to a non-judicial post. The same Standing Order permits a Minister, at his or her discretion, to table a certificate nominating an individual to a non-judicial post.

## Tabling by the Government

Tabling of reports and returns which are the responsibility of the Government is done either by obligation, as described above, or voluntarily.

Where the voluntary presentation of papers is governed by the Standing Orders, a Minister or a Parliamentary Secretary may state in the House that he or she proposes to table a report or paper dealing with a matter coming within the administrative responsibilities of the Government.

One method of presenting information by Order of the House is through a provision in the Standing Orders which states that private Members may request written information from the Government by placing a notice on the *Order Paper* under the heading "Notices of Motions for the Production of Papers", called on

Wednesdays after Routine Proceedings. These notices of motions are moved and decided without debate or amendment and, if carried, become Orders of the House. However, should the Member proposing it or a Minister of the Crown wish the matter to be debated, the motion is transferred to "Notices of Motions (Papers)". Subsequent debate on a motion for the production of papers will take place during Private Members' Business Hour and may last a total of one hour and thirty minutes, at the end of which a Minister may speak for not more than five minutes (even if he or she has already spoken) and the mover may close the debate by speaking for not more than five minutes. If the motion is not withdrawn, the Speaker then puts the question; if carried, it too becomes an Order of the House.

The obligatory presentation of information is also covered by a provision in the Standing Orders whereby material required to be tabled by the Government may become an automatic Order of the House. The Standing Orders permit Ministers to reply to questions on the *Order Paper* in the form of returns. If the Minister feels the reply should be in the form of a return and has no objection to tabling it, the reply is deemed an Order of the House and is entered in the *Journals* as such.

Standing Orders also provide that Orders and Addresses of the House for returns or papers are not nullified by a prorogation of the House, but shall be brought down during the following session, without renewal.

The Standing Orders provide that any document required to be tabled may be deposited with the Clerk and so deemed to have been presented; the *Journals* for that day will carry the appropriate entry.



## 9. DAILY ADJOURNMENT PROCEEDINGS

Since 1964, the Standing Orders have allowed for proceedings on the adjournment motion. Under the current Standing Orders, the motion to adjourn is deemed to be moved at 6:30 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays. (On Fridays the Speaker adjourns the House without question put.) This adjournment motion is used as a vehicle for brief exchanges on predetermined topics, each of which can be considered for no more than six minutes. These proceedings can take up to 30 minutes, at which time the motion to adjourn is deemed to have been carried. Any time spent considering the future business of the House is not counted as part of these 30 minutes.

Adjournment notices are submitted by Members dissatisfied with a reply received in Question Period or following the expiry of the 45 day limit on written questions. Notices arising out of Question Period must be submitted in writing within the hour following Question Period on the day the question was asked if they are to be considered for the adjournment proceedings that day or at some future day. Those arising out of "Questions on *Order Paper*" require oral notice only. The subject-matter of the exchanges is selected by the Speaker from notices given by Members, and at not later than 5:00 p.m. the Speaker announces which subjects will be considered during that day's adjournment proceedings. In making the selection, the Speaker considers the order in which notices were given, the urgency of the matters raised and the apportioning of the opportunities to discuss such matters among the Members of the various parties in the House.

During the adjournment proceedings, a Member raising a matter has up to four minutes to speak; a Minister or a Parliamentary Secretary is allowed up to two minutes to reply. As during the Question Period, the Speaker will not normally allow questions of privilege or points of order to be considered during these proceedings, although the Chair may always entertain questions concerning unparliamentary language. Adjournment proceedings are suspended for that sitting whenever any specified business is to be continued beyond the ordinary time of adjournment or when any such business is to be disposed of or concluded. When a sitting is continued due to a ministerial statement, adjournment proceedings are merely delayed.

## 10. THE PROCESS OF DECISION

The House is fundamentally a decision-making body. The basic elements in obtaining a decision of the House are discussed below under two main headings: (a) Motions, and (b) Divisions (i.e., the actual vote).

### 10.(a) Motions

A motion is a proposal made for the purpose of eliciting a decision of the House. It may be either independent, that is, a substantive, self-contained motion; or dependent, that is, subsidiary. The latter is further subdivided into ancillary motions, dependent on an order of the day; motions made for the purpose of superseding questions; and motions dependent on other motions.

#### Notice of Motion

To enable the House to be as prepared as possible before rendering a decision, notice must be given before most motions are moved. To become effective on the current sitting day, notice must be given in writing either to a Clerk-at-the-Table or to the Journals Branch before 6:00 p.m. on Mondays, Tuesdays, Wednesdays and Thursdays, and 2:00 p.m. on Fridays. On the last sitting day prior to any of the more lengthy adjournment periods, the 6:00 p.m. or 2:00 p.m. deadline, as the case may be, does not apply. Rather, notice for that day may be filed with the Clerk up to 6:00 p.m. on the Thursday before the next sitting of the House. It will then be printed in the *Notice Paper* to be published for that sitting. Once given, a notice may be examined for irregularities by the Clerk of the House before being printed in the *Notice Paper*.

Generally, all substantive motions require notice. The Standing Orders require a 48-hour notice for all motions for leave to present a bill, Resolution or Address. A notice of motion for an Order also requires a 48-hour notice, although this procedure is not explicitly stated in the Standing Orders. (In fact, when notice is given at the end of a sitting day for consideration at the start of a sitting two days later, the notice

period may be slightly less than 48 hours.) Furthermore, a 48-hour notice period is required for any motion for the appointment of any committee. No notice is required for public bills after they have been introduced, for private bills, or for motions concerning the times of meeting or adjournment of the House. Private Members' notices of motions require a notice period of at least two weeks.

Certain motions do not require notice of 48 hours: a 24-hour written notice is required for an opposition motion on an allotted day; a 24-hour oral notice is required for a Minister to move time allocation or closure; a 24-hour written notice is required for any motion respecting Senate amendments to a bill.

Subsidiary motions (i.e., motions made for the purpose of superseding questions or motions which depend on an order of the day or on other motions) do not require notice. Similarly, certain motions such as for the adjournment of the House, for the previous question, or for reading the Orders of the Day, require no notice.

A Minister of the Crown may propose a motion to suspend the Standing Orders or other Orders of the House relating to the notice requirement so that a question that addresses an urgent problem may immediately be put.

Under special circumstances related to an exceptional recall of the House, the Speaker is authorized to have published a special *Order Paper and Notice Paper* listing notices of any government measure that should have immediate consideration by the House.

## Moving a Motion

No motion is before the House until notice, if required, has been given, and the motion has been duly moved and seconded, received in writing and proposed to the House by the Speaker. The normal process is as follows: the Speaker recognizes a Member who, in speaking, moves a motion. The Speaker then asks if there is a seconder who is recognized to speak, after which the Speaker proposes the question to the House. If a motion finds no seconder, the Chair will not propose it. This process is followed for the Address in Reply and for superseding motions including any

amendments, although in these cases, the seconder is not usually recognized to speak before the question is proposed to the House. For motions where notice has been given, the Speaker calls out the Member by constituency (or by portfolio if he or she is a Minister or Parliamentary Secretary), in effect asking if the Member wishes to proceed. If the Member nods in agreement, the Speaker, upon ascertaining that there is a seconder, immediately proposes the question to the House. The Speaker then normally recognizes the mover first if he or she wishes to speak, followed by the seconder, then any other Member. The mover must speak first if he or she wishes to exercise the option to speak, for in moving the motion, he or she is deemed to have spoken and cannot be recognized again. In theory the seconder should speak next, but custom has allowed the seconder to defer speaking until later in the debate in most instances.

## Proposing the Question

Before reading the motion to the House, the Speaker ensures that the motion is procedurally in order. For example, when notice is required, the terms of the motion should be the same as those of the notice, or at any rate should cover them and not introduce any new matter. Also, the motion must be phrased in a way that allows the House to express an opinion. (Here, the Speaker may have to rule upon the form of a motion or to ensure that two similarly worded motions are sufficiently distinct to avoid duplication.) Normally, a motion must not seek the decision of the House on a matter previously determined during the same session.

The Speaker has clear authority to modify a motion before proposing it to the House to ensure it conforms to the usages of the House. If any motion is to be ruled out of order, the Speaker informs the House and quotes the Standing Order or authority applicable to the case. In so doing, the Speaker rules against proposing the question to the House, and the motion is dropped.

The authority to modify a motion extends to complicated motions; i.e., motions containing two or more parts, each capable of standing on its own. When any Member objects to voting on a motion that contains two or more distinct propositions, he or she

may request, although not as a matter of right, that the motion may be divided and each proposition voted upon separately. The final decision rests with the Chair.

## Debate and Putting the Question

Once the question which is the subject-matter of the motion has been proposed from the Chair, it is formally before the House. Only then may it be debated, amended, superseded, adopted, negatived or withdrawn, as the House decides. Once debate has concluded, the Speaker puts the question to a vote. If for any reason the Member who proposed the original motion wishes, he or she may request that it be withdrawn, but since the motion is now in possession of the House, unanimous consent is required.

When agreed to, every question assumes the form of an Order or a Resolution. By Order, the House directs its committees, Members, Officers, and the order of its proceedings; by Resolution, the House declares its opinions and purposes.

## Dilatory Motions

Dilatory motions are used to supersede and therefore delay the progress of a question when it is before the House. They can be moved only by a Member who has the floor legitimately; a Member may not rise on a point of order to move a dilatory motion. Dilatory motions are not debatable or amendable and are put by the Chair immediately once they are found to be in order. Because these motions are not debatable, the decision on the question usually results in a recorded division, the only legitimate means by which the dilatory motion can be used as an obstructive tactic.

The Standing Orders mention the following dilatory motions: to postpone consideration of the question to [date]; to read the Orders of the Day; to proceed to [another Order]; to adjourn the debate; or to adjourn the House. The most common motion of this nature is the motion to adjourn either the House or the debate, but other motions, such as for reading the Orders of the Day, can have a similar effect.

The Standing Orders also state that "A motion to adjourn, unless otherwise prohibited in these Standing Orders, shall always be in order, but no second motion to the same effect shall be made until some intermediate proceeding has taken place." This does not eliminate the opportunity available to Members to move repeatedly and alternatively the motions to adjourn the debate and to adjourn the House, as these motions do not have the same effect.

Certain restrictions apply to the use of adjournment motions of a dilatory nature. When any Standing or Special Order of the House provides that any business shall be continued, disposed of, or concluded in any sitting, the House shall not adjourn before such proceedings have been completed except on a motion to adjourn proposed by a Minister of the Crown. Furthermore, proceedings on any motion proposed by a Minister of the Crown in relation to a matter that the Government considers urgent shall not be interrupted or adjourned by any other proceeding or by the operation of any other Order of the House. A motion to adjourn the House during the election of a Speaker is similarly out of order. Finally, an adjournment motion cannot be proposed during the debate on an adjournment motion held under the terms of Standing Order 52 governing emergency debates or Standing Order 38 on regular adjournment proceedings.

## Amendments

An amendment arises from debate on the original question and is proposed either to modify the original motion to make it more acceptable to the House, or to present a different proposition as an alternative to the original. An amendment is one type of privileged motion; that is, it requires no notice, and takes precedence when proposed during debate on another motion. When moved and seconded, it is proposed to the House by the Chair, as are all other motions; debate on the main motion is then set aside and the amendment is debated until it has been decided, whereupon debate may resume on the main motion or the motion as amended, and other amendments may be proposed.

A subamendment may, in turn, be moved to an amendment by the same process; only one subamendment at a time may be proposed to an amendment. Debate is

restricted to the words added to and/or left out of the original amendment by the subamendment; i.e., subamendments should be strictly relevant to the amendment they seek to modify, and not merely to the original question. Since subamendments cannot be further amended, a Member wishing to change one under debate must vote against it and offer a new subamendment.

The major criterion in deciding the admissibility of an amendment is that of relevance and scope: the amendment must deal with the same matter as the original motion, but must not add new material. Form is another consideration. An amendment should take the form of a motion to (a) leave out certain words, (b) leave out certain words in order to insert other words, or (c) insert or add other words to the main motion. It should be so framed that, if agreed to, it will leave the main motion, as amended, intelligible and consistent with itself. Preambles to amendments are discouraged. In addition, an amendment must not raise a question substantially the same as one which the House has decided in the same session, or conflict with an amendment already agreed to. However, an amendment that has been negatived may be put again if it contains additional particulars. Furthermore, it is not in order to move as an amendment a motion that is on the *Order Paper* as a notice of motion or as part of a bill. Finally, an amendment that would produce the same result as the defeat of the main motion is normally out of order. However, it has been ruled that an amendment to alter the main question (thereby avoiding the need to decide it) by substituting a proposition with the opposite conclusion, is not an expanded negative and may be moved.

The order in which amendments are considered often requires attention. In general, they should be proposed in the order in which they would appear in the amended main motion, if adopted. Once an amendment has been agreed to or negatived (even if that amendment simply leaves out words), the House has decided on the part of the motion considered to that point, and only the part of the main motion following this may still be amended. For this reason, when several amendments are to be offered at the same point, any which propose simply to leave out words are usually considered last, since once decided, they preclude further amendment at that point.

## 10.(b) Divisions

Every matter in the House of Commons is determined upon a question put by the Speaker on a proposition that is resolved in either the affirmative or the negative. Most decisions are made by the majority (that is, at least 50 per cent plus one) of Members present and voting. A vote is taken first by voice and then, if demanded, in a recorded division.

### Voting Procedures

Votes in the House are conducted through the Speaker. If the motion to be voted has also been debated, the Speaker must first determine if such debate has concluded by asking: "Is the House ready for the question?" If no more Members claim the right to speak, the question is put; i.e., the Speaker reads the main motion and any amendment or subamendment, in their proper order.

### Voice Votes

The vote on the motion, whether it has been debated or not, is put by the Speaker asking: "Is it the pleasure of the House to adopt the motion?" If there is no dissenting voice, the motion carries. Should someone dissent, the Speaker takes a voice vote by saying: "All those in favour of the motion will please say yea", and then: "All those opposed will please say nay". Having heard both responses, the Speaker, judging not only the voices but also the probabilities, then says, "In my opinion the yeas (or the nays) have it." Members who wish to show that the motion was not decided unanimously, but do not want a recorded vote, may respond to the call for voices by saying: "On division". The Speaker then declares the motion carried or negated "on division", meaning with some dissenting voices.



## Recorded Divisions

If five or more Members rise in order to request a recorded division, the Speaker says: "Call in the Members." At that point, the Sergeant-at-Arms has the division bells rung for no more than 15 or 30 minutes, as the case may be, and the Whips take steps to assemble their caucus Members, committee meetings usually having been suspended.

Recorded divisions are conducted formally according to various rules and practices. Standing Orders permit no further debate when Members have been called in to a division, and specify that after the bells have stopped, when the Speaker is putting a question, no Member may enter, leave or cross the House, or make any disturbance. Members must be in their seats to vote, and must remain seated until the result of the vote is announced.

A Member must actually be in the Chamber and have heard the Chair put the question being voted on in order for his or her vote to be recorded. (If a Member's presence is disputed, the House must accept the Member's assertion.) A Member whose vote is inadvertently contrary to his or her intention may not correct the error but may briefly explain the mistake. A Member whose name has been missed or incorrectly entered may correct the error either before the result of the vote is announced, if the error is noted at the time the vote is being taken, or as soon thereafter as the error is noted.

Once the bells have stopped, the Speaker calls the House to order, rises, and reads the motion, adding: "The question is on the main motion (or amendment). All those in favour of the motion (or amendment) will please rise." A Clerk-at-the-Table calls each Member in turn, taking affirmative, then negative votes. Members' names are called by party, party leaders first, according to the rows in the seating arrangement. As each Member rises and bows to the Speaker, the name is called in turn by a Clerk-at-the-Table and repeated by another Clerk, who records the vote. A Member may abstain from voting simply by remaining seated during a vote. Such abstention is not, however, recorded. After both affirmative and negative votes have been taken, a Clerk reports the result of the vote to the Speaker, saying: "Yeas, pour..." and "Nays,

contre... ." The Speaker then says: "I declare the motion (or amendment) carried (or negatived)."

The results of recorded votes are entered in the *Journals*. When a number of motions follow from the same question, the House frequently orders, by unanimous consent, that the results of the first vote stand for all subsequent divisions on the question, provided that the votes are recorded separately.

## Free Votes

A division on a question on which party discipline is not imposed is called a "free vote". The Speaker requests those Members in the first row to the right of the Chair who are in favour of the motion to rise. A Clerk calls out their names in order, beginning with the Member closest to the Chair, proceeding through the rows on the right, and then on the left of the Speaker. When the yeas have been recorded, the nays are called and the result announced in the usual manner for recorded divisions.

Votes taken on items of Private Members' Business are conducted in a similar manner, whereby the Member sponsoring the item is the first to be called upon to vote, followed by the remaining Members on the same side of the House and then those on the opposite side.

## Casting Vote

In the event of a tie, the Speaker will offer the casting vote -- the only occasion in which the Speaker actually participates in a decision. In voting, the Speaker remains conscious of the paramount obligation of impartiality and so usually votes to maintain the status quo; i.e., he or she votes in a manner that will keep the issue open for the House's further consideration. This may appear contradictory at times, for at second reading of a bill the Speaker would usually vote in favour of the motion to keep debate alive, while at third reading the Speaker would normally vote against the bill to maintain the status quo.

## Divisions in Committee of the Whole

When a division is taken in a Committee of the Whole, the Members rise in rows and are counted by a Clerk, who then reports to the Chairman the numbers voting for and against the question. The names of the Members voting are not recorded nor are the bells rung. Members are not required to be at their allocated desks during a division but no Member may enter the Committee of the Whole while a division is in progress. In the event of a tie, the Chairman has a casting vote and is governed by the same rules as the Speaker under similar conditions.

## Deferred Divisions

The Standing Orders provide that in certain cases, recorded divisions are deferred until a future day or time. For instance, after the Speaker has put the question on any debatable motion, and while the bells are being sounded to call in the Members for the vote, either the Chief Government Whip or the Chief Opposition Whip may approach the Speaker to request that the division be deferred to an appointed time, but in any case, not later than the ordinary hour of daily adjournment on the next sitting day. On that day, the bells shall sound for not more than 15 minutes before the deferred vote is taken.

The second instance occurs when a recorded division on a debatable motion is demanded on a Friday, in which case the vote is deferred (except on the last allotted day of a Supply period) until the ordinary hour of daily adjournment on the next sitting day, when the bells shall sound for not more than 15 minutes. A division deferred on a Thursday is not held on a Friday, but rather is deferred to the ordinary hour of daily adjournment on the next sitting day after the Friday.

Third, recorded divisions on motions in amendment at report stage may be deferred at the Speaker's discretion. When such deferred divisions are subsequently held, the bells calling in the Members shall sound for not more than 30 minutes.

Fourth, when the question is put on a motion to concur in a report of the Standing Joint Committee for the Scrutiny of Regulations (debate on which occurs on a

Wednesday at 1:00 p.m. for one hour) and a recorded division is demanded, it is deferred until the ordinary hour of daily adjournment on the same sitting day. The bells to call in the Members are then sounded for not more than 15 minutes.

Finally, a new provision added to the Standing Orders in 1995 provides that at any time after a recorded division has been demanded, the Chief Government Whip, with the agreement of the whips of the recognized parties (and, in the case of an item of Private Members' Business, also with the agreement of the sponsor of that item) may ask the Speaker to defer or further defer the division to an appointed time. The division will then be deferred to that time, when the bells will sound for not more than 15 minutes.

## Pairing

In the past, it often happened that two Members who would normally vote on opposite sides of a question agreed that one would abstain from voting on a particular occasion to permit the other's absence from the House. This practice is known as pairing. In April 1991, the House adopted a new Standing Order which set up a Register of Paired Members. The names of any Members who have indicated that they will not take part in any recorded division held on a particular date are entered together in the Register by their Whips (or themselves if they are independent Members). The names of Members so paired are then printed together in the *Debates* and *Journals* immediately following the entry for any recorded division held on that day.

## Unanimous Consent

The codified and uncodified rules by which the House regulates its own proceedings may themselves be altered, added to, or removed by a majority of Members in the usual decision-making process. On occasion, usually to save time, the House may choose to modify or dispense with certain of its rules in a particular instance through the method of unanimous consent. With the unanimous consent of

the Members present, the House may, without creating a precedent, dispense with the application of a rule at any time, or ignore its own rules and proceed on a course of action incompatible with the Standing Orders, a Special Order, or a practice established by precedent or custom. It should be noted, however, that the House may not, by unanimous consent or any other means, set aside rules laid down for it in the Constitution or in other laws applying in Canada, such as those dealing with quorum and the Royal Recommendation, which are based directly on the *Constitution Act, 1867*.

Unanimous consent usually follows a verbal request and is routinely sought and given to waive the notice requirement for a motion or to stand items on the *Order Paper*. It has also been used:

- to circumvent the procedures provided for in the rules;
- to limit debate without using the means provided for in the Standing Orders;
- to move a motion or proceed to a matter not on the agenda;
- to suspend or amend one or more Standing Orders;
- to change the sponsor of a motion or a bill;
- to refer a bill to Committee of the Whole; and
- to deem the present time of day to be the time of adjournment of the House.

Except for those that do not involve a proceeding, as in the last example, decisions reached by unanimous consent are recorded in the *Journals*, but do not constitute precedents.

In contrast with those actions in the examples above where unanimous consent is used to dispense with the rules, several rules require the unanimous consent of the Members present before certain actions can be taken. For example, a Member who moves a motion may not withdraw it except with the unanimous consent of the House. The same applies when a Member wishes to withdraw a motion for second reading of a bill after it has been moved. Unanimous consent is required to read a petition and again to refer the petition to committee.

As noted in Section 7.(h), the Standing Orders now allow a Minister during Routine Proceedings to request that the Speaker put to the House any routine motion for which unanimous consent was required but previously denied.

## Other Types of Decisions

Standing Orders require that other motions dealing with the business of the House receive the approval or opposition of a specified number of Members in order to be acted upon. (While such predetermined conditions may appear to run counter to the usual rule of the majority, it must be remembered that the decision to specify a practice in particular instances was itself a decision of the majority which adopted the Standing Orders, so that the contradiction is more apparent than real.) Thus, if 15 or more Members oppose a motion to extend the sitting of the House beyond the ordinary hour of daily adjournment, it will be deemed to have been withdrawn. Similarly, the opposition of 10 or more Members will cause a government request for debate on an urgent matter to be withdrawn.

There is also a class of routine motions (for example, the daily adjournment motion) which are decided automatically when certain conditions are met without the expressed consent of Members.

## 11. THE LEGISLATIVE PROCESS

There are two main types of bills: public and private. In general, a public bill is concerned with matters of public policy, while a private bill relates to matters of a particular interest or benefit to a person or persons, including corporations. Because the legislative process of a private bill is somewhat different, it is discussed separately at the end of this chapter.

### 11.(a) Public Bills

There are two types of public bills: government public bills introduced and sponsored by a Minister, and private Members' public bills sponsored by a private Member. These may be further divided into those that are of a financial nature and those that are not. Only a Minister may introduce a bill for the appropriation of any part of the public revenue or for taxation. Such bills require additional procedures for passage in the House, and are discussed in detail in Chapter 13.

Government bills originating in the House are numbered from C-1 to C-200 in the order in which they are introduced. They may be considered each day during Government Orders in any sequence the Government determines.

Private Members' public bills, on the other hand, may be considered only during Private Members' Hour, a period limited to one hour per day, five days per week (Mondays from 11:00 a.m. to 12:00 noon, Tuesdays, Wednesdays and Thursdays from 5:30 p.m. to 6:30 p.m., and Fridays from 1:30 p.m. to 2:30 p.m.). During this period, no Member may speak for more than 10 minutes, except a Member moving an item, who may speak for 20 minutes. At least two weeks must elapse between first and second reading. Such bills originating in the House are numbered from C-201 to C-1000 in the order in which they are introduced, and are considered in the order established by a draw and as set forth in the Standing Orders, although this order may be altered by unanimous consent. (For further details on private Members' public bills, see Chapter 15.)

Before a bill becomes law, it goes through the following stages: (1) a Member is given leave of the House to introduce the bill; (2) the bill is read a first time and printed; (3) the bill is read a second time; (4) the bill is referred to committee; (5) the bill is considered in committee and reported back to the House; (6) the House concurs in the bill at report stage; (7) the bill is read a third time and passed by the House; (8) the bill goes through stages in the Senate approximately the same as those in the House; (9) finally, the bill receives Royal Assent.

In February 1994, new rules were adopted to give the House more flexibility in dealing with legislation. While all bills must still go through the same stages, the new rules allow the House to vary the order in which bills pass through these stages. The new options for the legislative process are described in section 11.(c).

## 11.(b) Stages of a Bill -- The Traditional Legislative Process

### Introduction

To introduce a public bill, a Member must give 48 hours' written notice and then, by motion, obtain leave to introduce the bill. This motion is automatically adopted without debate, amendment or question put. A private Member introducing a bill then will normally make a short speech explaining the purpose of his or her bill. Normally, a Minister introducing a government bill does not speak at this time. (As this stage forms part of Routine Proceedings, it is discussed more fully in Section 7.(e))

### First Reading

First reading follows immediately and is also automatically adopted without debate, amendment or question put. The order for the printing of the bill is included in the motion. Following that, the Speaker asks: "When shall the bill be read a second time?", to which the response is generally: "At the next sitting of the House". This formality allows the bill to be placed on the *Order Paper* for second reading.



## Second Reading

Second reading is the most important stage in the passage of a bill. It is then that the principle and object of the bill are debated and either accepted or rejected. The clauses of the bill are not discussed in detail at this stage.

Three types of amendments may be proposed to the motion for second reading. The first is the six months' hoist: "That Bill [number and title] be not now read a second time but that it be read a second time this day six months hence". The second type is the reasoned amendment, which expresses specific reasons for opposing second reading. Finally, an amendment may be introduced to refer the subject-matter to a committee before the principle of the bill is approved. Such an amendment would read: "That the bill be not now read a second time but that the order be discharged, the bill withdrawn and the subject-matter referred to the Standing Committee on ...". No amendments may be made to the bill itself at this stage.

## Committee Stage

The Standing Orders provide that a bill be read twice and then referred to a committee. Bills based on supply motions are referred to a Committee of the Whole; other types of bills are referred to a standing, special or legislative committee specified in the motion for second reading. The committee then considers the bill clause-by-clause. Amendments to the text of the bill are considered at this stage.

Before beginning clause-by-clause study, the committee usually hears the Member or Minister sponsoring the bill and may also receive testimony from outside witnesses on technical matters. Amendments in committee must be in keeping with the principle of the bill as agreed to at second reading in the House. Generally, the committee may make amendments to any part of a bill (i.e., the title, preamble, clauses or schedules). Clauses and/or schedules may be omitted and new ones added. After a committee has completed its consideration of a bill, it orders that the bill be reported to the House.

## Report Stage

At report stage, the House reviews bills that have been studied and possibly amended in committee by considering motions in amendment of which notice in writing is given. The Speaker is in the Chair and the general rules of debate apply, with the added restriction that no Member may speak longer than 10 minutes on any amendment.

The Standing Orders require that every bill examined and reported by a committee be considered by the House at report stage. Except for those bills considered in Committee of the Whole, report stage cannot begin sooner than the second sitting day after the bill has been reported unless the House orders otherwise. Motions in amendment at this stage must be filed not later than the sitting day prior to the beginning of consideration and placed on the *Notice Paper*. Those with financial implications require a Royal Recommendation, which must also comply with this notice requirement. Ministers of the Crown may, without notice, propose amendments regarding the form only of government bills. Once report stage has begun, no further motions in amendment may be introduced.

Amendments previously discussed in committee or aimed at restoring the original text may be proposed at this stage; the Speaker may select and group proposed amendments for debate, and may also rule on whether each motion should be voted on separately or as part of a group. This decision is made at the beginning of report stage, at which time the Speaker may also indicate the amendments he or she considers procedurally dubious. Normally, the Speaker will not select for debate at report stage any motion in amendment which was introduced in similar form and rejected previously at the committee stage. In February 1986, a note was appended to what are the present Standing Orders 76(5) and 76.1(5) outlining the guidelines to be used in selecting amendments for consideration. It states that the report stage is primarily an opportunity for Members who did not sit on the committee which studied the bill to have their proposed amendments considered by the House.

When deliberations at report stage are concluded, a motion is moved that the bill (with any amendments) be concurred in. The question is put immediately, without amendment or debate. If no amendments are put down for consideration at report

stage, this stage becomes more of a formality, and report and third reading stages may then occur on the same day.

### Third Reading

Debate at third reading begins when the Order of the Day is called, the motion being "That Bill ..., be now read a third time and do pass". The basic principles governing the acceptability of amendments at third reading are that they be strictly relevant to the bill and do not contradict the principle of the bill as passed at second reading. The same types of amendments as may be proposed at second reading may also be proposed at third reading; that is, the six months' hoist and the reasoned amendment. In addition, an amendment may be proposed to refer the bill back to committee to be further amended in a specific area, or to reconsider a certain clause or clauses.

### Passage by the Senate

After a bill has been passed by the House of Commons, a message is sent to the Senate requesting that the bill be passed by the Upper Chamber, where procedures for passage of a bill are similar to those in the House. If the Senate passes the bill without any amendment, a message to that effect is sent to inform the House of Commons and unless it contains financial provisions, the bill is not returned to the House.

If there are amendments to the bill, the Senate communicates this to the House by message. In the House, consideration of Senate amendments appears on the Orders of the Day and proceeds under a motion moved by the sponsor of the bill, as follows: "That the amendments made by the Senate to Bill ..., be now read a second time and concurred in". If the House agrees to the Senate amendments, a message is sent informing the Senate accordingly, and the bill is returned to the Senate for Royal Assent.

If the House does not agree to the Senate amendments, it adopts a motion stating the reasons for its disagreement, which it communicates to the Senate. If the Senate wishes the amendments to stand nonetheless, it sends a message to this effect to the House, which then accepts or rejects them. If it decides to reject them, the House may adopt a motion requesting a conference between the two Houses, where their respective representatives attempt to resolve the impasse. Twenty-four hours' written notice is required for any motion respecting Senate amendments to a bill.

## Royal Assent and Proclamation

The *Constitution Act, 1867* states that the approval of the Crown, signified by Royal Assent, is required for any bill to become law after passage by both Houses. The ceremony of Royal Assent is one of the oldest of all parliamentary proceedings and brings together the three constituent parts of Parliament: the Crown (represented by the Governor General), the Senate, and the House of Commons. Although the Governor General in person may give Royal Assent to major pieces of legislation and at prorogation, a Deputy in the person of the Chief Justice of Canada or a Puisne Judge of the Supreme Court normally represents the Governor General at other times. On all occasions, the Speaker or the Deputy Speaker is present at the bar of the Senate Chamber where the ceremony takes place.

The office of the Governor General, acting at the request of the Government, notifies the House by letter usually on the day of the event or one or two days before Royal Assent is to be given. The message is read by the Speaker to the House. It is a notice only and does not constitute a summons, which comes when the Gentleman Usher of the Black Rod appears in the Chamber to request the attendance of Members in the Senate.

A quorum is not necessary for the Speaker to take the Chair when Black Rod is at the door; if the House is sitting in Committee of the Whole, the Speaker immediately takes the Chair. After knocking, entering and delivering the summons, Black Rod returns to the Senate, followed by the Sergeant-at-Arms with the Mace, the Speaker, the Table Officers and the Members, all of whom assemble at the bar of the Senate.

The ceremony for Royal Assent consists of the reading by the Senate Clerk, officially styled Clerk of the Parliaments, of the short titles of the bill or bills to be approved. The formula of assent is then pronounced by the Senate Clerk on behalf of the Crown's representative. If supply bills are to receive assent, the Commons' Speaker addresses the Crown's representative according to an established formula and presents a copy of each bill to the Senate Clerk Assistant. The Clerk of the Parliaments, in the name of the Sovereign, then thanks the House for its loyalty and benevolence and announces the Royal Assent. At the conclusion of the ceremony, the Speaker returns to the House and reports what has just occurred. The proceeding usually takes 15 or 20 minutes, after which the House resumes the business interrupted by the arrival of Black Rod or adjourns the sitting.

Royal Assent is given to a bill when it has been passed in exactly the same form by both Houses; it is at this stage that a bill becomes law. The bill comes into force on the day of Assent, unless otherwise provided in the bill itself. Provision is sometimes made for coming into force on a certain day or a day fixed by order of the Governor in Council, and parts of bills may be brought into force at different times.

## 11.(c) Stages of a Bill - Variations on the Traditional Legislative Process

All bills which come before the House of Commons must, in some way, pass through the same legislative stages in order to become law. Amendments to the Standing Orders adopted in February 1994 added two new options to the traditional legislative process.

### (i) Committee Prepares and Brings in a Bill

It has always been possible for the House to adopt a motion to order a committee to prepare and bring in a bill. However, the use of this procedure has been rare. The recent amendments entrenched in the rules specific procedures for committees to prepare and bring in bills.

A Member or Minister wishing to appoint or instruct a committee to prepare and bring in a bill gives the requisite 48 hours' written notice of the motion. After the expiration of the notice period, the item will be transferred to either the list of "Items outside the Order of Precedence for Private Members' Business" or to "Government Orders" on the *Order Paper*. In the case of the former, the motion will be subject to all of the rules of Private Members' Business. In the case of the latter, the item will be called for debate at the discretion of the Government. The focus of the discussion which follows will be primarily on a motion sponsored by the Government.

When the Minister moves the motion to appoint or instruct a committee to prepare and bring in a bill, the motion, which may be amended, can be debated for up to ninety minutes. At the end of the ninety minutes, or when no other Member rises to speak, the Speaker will put all questions necessary to dispose of the motion. If the motion is adopted, it will be an order of the House for the committee to prepare and bring in a bill.

Upon conclusion of its study, the committee charged with preparing and bringing in the bill reports to the House. As specified in Standing Order 68(5), in its report the committee is required to "recommend the principles, scope and general provisions of the said bill and may, if it deems appropriate, include recommendations regarding legislative wording."

Unlike other motions for concurrence in committee reports, these motions are not dealt with under Routine Proceedings. As with any notice of motion for concurrence in a committee report, any Member may give notice. If a private Member gives notice of a motion to concur in the report of a committee bringing in a bill, this motion will be treated as an item of Private Members' Business, subject to all of the rules of Private Members' Business. Should a Minister of the Crown give notice of a motion to concur in the report of such a committee, this will be taken up for consideration under Government Orders. When debate on such a motion is held under Government Orders, it shall be considered to be a stage of the bill, and therefore subject to the Standing Orders governing time allocation.

The adoption of a motion to concur in the report of such a committee shall be an Order of the House to bring in a bill based thereon. First reading of these bills shall be

decided without debate, amendment or vote. However, when a Minister proposes a motion for first reading of a bill and notes that the bill is in response to an Order of the House, the bill cannot be set down for consideration at the second reading stage before the third sitting day after having been read a first time. The second reading and any subsequent stages of any such bill shall be considered under Government Orders. When the motion for second reading of the bill is proposed, the Speaker will immediately put all questions necessary to dispose of the second reading stage of the bill without debate or amendment.

Should a private Member propose a motion for first reading of a bill based on the committee report, the bill will then be subject to selection as a votable item under Standing Order 92. If the bill is selected as a votable item, when the motion for second reading of the bill is proposed, the Speaker will immediately put all questions necessary to dispose of the second reading stage of the bill without debate or amendment.

For the remaining stages of the legislative process, these bills are treated in the same manner as all other bills.

## (ii) Committee Study of a Bill Before Second Reading

Tradition dictates that the adoption of the motion for second reading of a bill defines the principle contained in the bill and therefore limits the scope of the amendments which may be made to the bill in committee and at report stage. On occasions where the House has wanted to expand the purposes of the bill after second reading, it has generally been unable to do so for, with the adoption of the second reading motion, the principle of the bill had already been defined. By referring a bill to committee before the principle has been adopted by the House, the House can give itself more flexibility to review and fine-tune the legislation. In recognition of this, some of the new Standing Orders adopted in February, 1994, defined the procedures by which the House could refer a bill to a committee for detailed examination before second reading.

A Minister wishing to move that a government bill be referred to a committee for study before second reading will, immediately after the reading of the Order of the Day for the second reading of the bill, and after notifying representatives of the opposition parties, propose a motion that the bill be referred to a standing, special or legislative committee. Under the rules of the House, there may be up to three hours of debate on the motion, the motion is not amendable, and there is a specific speaking order for Members of the different parties. At the end of three hours, or when no other Member rises to speak, the Speaker will put the question to the House. If the motion is adopted, the bill will be referred to the committee for study.

Generally speaking, the committee will conduct its clause-by-clause examination of the bill subject to the same rules and procedures governing the committee study of bills after second reading. However, the scope of the amendments which can be made to the bill is much wider. At the conclusion of its study, the committee will report the bill to the House, with or without amendments. The report stage of this bill cannot be taken up until three sitting days after the bill is reported to the House.

When the bill is reported back to the House, what follows is essentially a combined report and second reading stage. Members of the House can offer amendments to the legislation, just as at report stage after second reading, and the same procedures for dealing with amendments will be followed. However, notice of amendments to be proposed at report stage must be given in writing two sitting days before the bill is to be taken up. When the proceedings at report stage have been concluded, a motion "That the bill, as amended, be concurred in at report stage and be read a second time" or "That the bill be concurred in at report stage and read a second time" will be put and disposed of without debate or amendment. When the bill has been concurred in and read a second time, it shall be set down for third reading and passage at the next sitting of the House.

#### 11.(d) Private Bills

A bill designed to exempt an individual or group of individuals from the application of the law is a private bill. The progress of private legislation as prescribed by the Standing Orders is somewhat different than for public bills in that a private



bill is introduced by means of a petition signed by the interested parties and presented in the House by a Member who has agreed to sponsor it. "Parliamentary agents" are authorized to promote private bills and find sponsors; Members are forbidden to act as parliamentary agents or to accept payment for presenting bills. The petition must be favourably reported upon by either the Examiner of Petitions or the Standing Committee on Procedure and House Affairs. The sponsor must deposit a printed copy of the bill with the Clerk of the House by the first day of the session.

After approval of the petition, private bills are tabled, read a first time, printed, and ordered for second reading. Private bills from the Senate accompanied by messages requesting passage are deemed to have been read a first time and are ordered for second reading. Such bills are automatically placed on the order of precedence established for Private Members' Business. As in the case of a public bill, debate at the second reading is on the general principle and expediency of the bill.

Notice of private bills must be posted in the lobbies of the Parliament buildings before consideration in a committee, but the procedures for hearing witnesses and proposing amendments in committee are otherwise virtually identical for public and private bills. However, when an amendment that might harm parties concerned is moved to a private bill, adequate notice must be given, and both the promoters of the bill and those opposed to it may be represented by counsel. Another difference in procedure gives an extra vote to the chairman of a committee considering a private bill: he or she votes to break a tie like any other chairman, but also votes on the motion like the other members.

The committee must report to the House on all bills referred to it. Amendments may be made to the bill, lack of evidence to support the preamble may be noted, and adherence to the rules governing notice may be commented on. Consideration of the report by the House is the same for private and public bills, as are the rules governing third reading.

Any further amendments adopted by the Senate are referred to the committee that considered the bill initially. If accepted, the amendments are read in the House a second time and, once agreed to, are returned to the Senate with a message informing that Chamber accordingly. If the committee reports unfavourably, the House may

continue to insist on its own amendments in its message to the other Chamber. If an impasse occurs, a conference between the two Chambers may be requested.

## 12. RULES OF DEBATE

As part of the decision-making process, debate begins when the Speaker, upon receipt of a motion in writing, duly seconded, proposes the question to the House. Debate ends after all relevant aspects of the question have been considered, including amendments and subamendments if any, and the original (or amended) question is put to the House for a vote.

Between these two points, a number of rules operate to direct the proper flow of debate and protect it from excess. In general, these rules guarantee a Member's right to speak, at the same time as they limit what may be said when, by whom and for how long.

### What is debatable?

Over the years, the range of debatable motions has become limited to 16 types of motions. All other motions are decided without debate or amendment. The list of debatable motions is provided in Standing Order 67, and includes every motion:

1. standing on the order of proceedings for the day, except as otherwise provided in the Standing Orders;
2. for concurrence in a committee report;
3. for the previous question;
4. for second reading and reference to committee of a bill;
5. for consideration of report stage amendments;
6. for third reading and passage of a bill;
7. for consideration of Senate amendments to House of Commons bills;
8. for a conference with the Senate;
9. for adjournment of the House to consider an urgent matter;
10. for the consideration of a Ways and Means order (the Budget);

11. for the consideration of any supply motion;
12. for the adoption in Committee of the Whole of any motion, clause, section, preamble or title under consideration;
13. for the appointment of a committee;
14. for reference to a committee of any report or return tabled in the House;
15. for the suspension of any Standing Order unless otherwise provided;  
and
16. such other motion, made during Routine Proceedings, concerning the operations and business of the House.

### Who may speak?

Any Member who rises to "catch the Speaker's eye" and is recognized by the Chair may speak during debate, and despite various conventions and informal arrangements to ensure the representation of all parties in the debate, the decision as to who may speak is ultimately the Speaker's. However, if two Members rise simultaneously, the Speaker's choice may be altered by the House, on a motion that the other Member "be now heard". The motion must be moved before the Member given the floor by the Speaker has begun his or her remarks. The motion is not debatable; if carried, the Member named in the motion may speak; if defeated, the Member originally recognized retains the floor.

A limitation on who may speak during debate is imposed by the rule that no Member may speak twice, although two exceptions are allowed: a Member may speak a second time in order to explain something in his or her first speech which may have been misunderstood; second, the mover of a substantive motion or a motion for second reading of a bill may exercise the right of reply and speak again as the last speaker during the debate. In recognizing a Member in this case, the Speaker informs the House that the Member's second speech closes the debate.

A further refinement of the rule that no Member may speak twice during debate follows from the fact that the mover and the Member who speaks to second a motion

and the mover and the Member who speaks to second any amendment to the main motion are deemed to have spoken once and thus may not speak again. In practice, however, the seconder is often allowed to speak again later in the debate if he or she has merely indicated by a nod or gesture a willingness to second the motion without actually having spoken. However, once the question on an amendment has been proposed from the Chair, any Member who speaks subsequently, speaks to the amendment and not to the main motion.

### What may be said?

The largest restraint upon Members' rights to say what they wish is imposed by rules protecting the House against irrelevant or repetitious debate. These rules are explained more fully in the next section. Furthermore, Members may not refer to other Members by name; nor to their characters, personalities or motives. Although several authorities provide lists of unparliamentary language, they are by no means exhaustive, and judgement in this matter is at the discretion of the Speaker. It is clear, however, that Members may not speak disrespectfully of the Sovereign, the Royal Family, the Governor General or members of the judiciary; nor use offensive or threatening language against either House or its Members; nor refer to previous decisions of either House; nor comment disrespectfully on the powers of either House.

Aside from these rules of normal respect and courtesy, two further restrictions apply to what may be said during debate: the *sub judice* convention (explained more fully in Section 12.(c)) and the rule of anticipation. The *sub judice* convention prevents Members from referring to matters currently before the courts or tribunals which are courts of record. The rule of anticipation prevents a Member from attempting to preempt a decision on a matter already on the *Order Paper* by introducing a second identical matter or one similar enough to be considered the same. When a point of order is raised in this regard, the Speaker's decision is guided by the principle that the most effective form of proceeding with the matter ought to take precedence. A descending scale of values for determining the more effective form has thus been established, whereby bills precede motions, which in turn precede amendments.

Finally, Members should address the House without reading from a written speech, although Members may read short quotations from printed material. A Member's maiden speech and the Minister of Finance's Budget speech are the two notable exceptions to this rule.

## Length of Debate

The Standing Orders provide time limits on the overall length of debate on some questions, and on the length of time an individual Minister or Member may speak during such debate. The Standing Orders also allow the Government to limit debate through the use of closure (applicable to any motion) and time allocation (applicable to any bill). These rules are explained more fully in Section 12.(b).

## 12.(a) Repetition and Relevance

Repetition, notably in the three readings of a bill, is an inherent feature of the legislative process and consequently its occurrence is almost inevitable during some stage of debate. Irrelevance in debate is also difficult to restrain in view of the complexity and wide-ranging nature of House business, and the fact that apparently irrelevant remarks may relate, however indirectly, to the question. Consequently, the rules respecting relevance and repetition are difficult to define and to enforce. If applied rigidly, they can severely curtail debate; if used improperly, they have a serious effect on a Member's right to be heard.

## Repetition

The rule prohibiting repetition is designed primarily to safeguard the right of the House to reach a decision. An impediment to this right, such as an inefficient use of the time of the House, constitutes a violation of the rule severe enough to call a Member to order. A Member reading letters, even in support of his or her argument, has been ruled an inefficient use of the time of the House. A Member may be called to

order for at least two other transgressions of the rule against repetition: (a) a Member may not refer to a decision or vote by the House in the same session; (b) a Member may not repeat the words nor duplicate the substance of an argument raised previously on the same question, whether by that Member or by another Member. This latter restriction applies to Members' remarks only within the same stage of debate; in the case of a bill, however, arguments advanced at one stage may legitimately be presented again at another stage.

In calling a Member to order, the Speaker may warn the Member that he or she may be directed to discontinue speaking if repetition persists. Should a Member persist, the Speaker can carry out the warning, in which case the Member must resume his or her seat, and the Chair will recognize another Member or, if debate is concluded, the Speaker puts the question. In the unlikely event that a Member disregards the Speaker's instruction, the Speaker has the authority to "name" that Member.

## Relevance

The rule of relevance may be applied when a Member's remarks do not adhere as closely as possible to the question before the House. In general, a Member's remarks are irrelevant if their connection to the main question is not immediately apparent; or if, having called a Member to order for straying from the question, the Speaker is still not satisfied with the Member's explanation of the relationship; or if what the Member has raised might properly form by itself the subject of a substantive motion. The same principle that insists that debate must be relevant to the main motion applies equally to amendments, which must also be relevant to the main motion. Thus, arguments ruled irrelevant during debate are similarly irrelevant if introduced as the substance of an amendment. Even if the amendment proposes to replace all words in the main motion after "that", debate is restricted to the main motion and the amendment; other alternative propositions are irrelevant.

The rule of relevance applies especially to the various stages of bills. Because each stage has its more or less limited range of debate, the Speaker may use the following limits in applying the rule of relevance: (a) at second reading in the traditional

legislative process, where debate is limited to the principle of the bill, debate on individual clauses is out of order (with amending legislation, debate which touches on parts of the Act other than those affected by the proposed legislation has similarly been ruled out of order); (b) at report stage, despite the resemblance to debate in committee, where wide-ranging discussion is traditionally permitted on Clause 1, such discussion at this stage has been ruled irrelevant; (c) at third reading, although lengthy debate here is rare, debate is irrelevant that is not strictly confined to the contents of the bill.

During debate on the motion for an Address in Reply to the Speech from the Throne and on the motion which begins debate on the Budget, a much wider application of the rule of relevance is allowed than on other motions. However, where amendments to either motion are involved, the principle of relevance is usually applied more strictly. During debate on the Address in Reply, the Speaker usually makes no effort to apply the rule of relevance. Furthermore, although speeches during the Budget debate must be relevant to the main motion, the terms of the motion itself ("That this House approves in general the budgetary policy of the Government") permit Members broad scope, and allow a wide application of the rule of relevance.

## 12.(b) Closure and Time Allocation

### Closure

The contending parliamentary principles -- that the majority has the right to secure the transaction of business and the minority the right to be heard -- frequently conflict when the House is dealing with controversial matters. The Government has had the option of using closure to break such impasses since it was first introduced by Prime Minister Borden in 1913 to limit debate on the Naval Aid Bill. Although applicable to any debatable matter, closure is now usually invoked only when substantive motions are before the House, since the Government may limit debate on bills by use of time allocation procedures.



A 24-hour oral notice is required for the Government's motion to closure debate on a question before the House. Notice may be given on the same day the original motion is moved and the consistent practice has been that debate on the original motion must already have begun. Thus, the closure motion "That debate shall not be further adjourned" may be moved only if debate on the original question before the House has been adjourned *at least once*; the closure motion is not debatable. The motion itself is moved immediately before the Order of the Day for resuming an adjourned debate is called.

Once a Minister has moved closure, the Speaker immediately puts the question to the House. If it is resolved in the affirmative, debate on the original motion which is the object of closure resumes, now subject, however, to two restrictions not applicable to general debate: (a) no Member may speak more than once nor longer than 20 minutes; and (b) no Member may rise to speak after 11:00 p.m. After the last person has spoken, the Speaker puts to the House all questions necessary to dispose of the motion, including any amendments or subamendments. A Member who has spoken to the main motion previous to the adoption of closure may subsequently speak to an amendment or subamendment, but no Member having spoken once to the motion after closure was moved may speak again to an amendment or subamendment.

## Time Allocation

The three conditions under which the Government may move to allocate time are specified in Standing Order 78. Although time allocation contains certain elements of closure, it allows the Government to negotiate with the opposition parties to establish in advance a timetable for the consideration of a public bill at one or more legislative stages. Under Standing Order 78(1), the Government must have obtained an accord among representatives of all the parties for an allocation of time; under Standing Order 78(2), a majority of the party representatives must have agreed. In either of these cases, the Minister may then move the motion for time allocation without notice, setting forth the terms of the accord.

A motion under Standing Order 78(1) may outline a timetable for a bill through one or more stages, and is not debatable. A motion under Standing Order 78(2) may

outline a timetable for only one stage, but may include the report and third reading stages if consistent with Standing Order 76.1(10). The motion is not subject to debate or amendment, and the Speaker puts the question on the motion immediately.

In the event that an agreement to allocate time cannot be reached under Standing Order 78(1) or 78(2), Standing Order 78(3) provides that the Government may propose its own timetable, with the same restrictions as apply under Standing Order 78(2). Motions based on Standing Order 78(3) are subject to the following limitations: (a) notice that an agreement cannot be reached and that the Government intends to move time allocation must be given orally at a previous sitting; (b) time allocated for any stage must be consistent with Standing Order 76.1(10) and may not be less than one sitting day, though the day on which the motion is adopted is counted as one sitting day if moved and carried at the beginning of Government Orders as is the case with Standing Order 78(2); and (c) as with Standing Order 78(2), the motion is not debatable or amendable and the Speaker puts the question on the motion immediately.

## 12.(c) The *Sub Judice* Convention

For the sake of the judicial process and in the interest of justice, a convention has developed in parliamentary practice whereby Members refrain from making reference, either in debate or through motions and questions, to matters before the courts. It is a convention because there is no explicit written proscription preventing Parliament from considering a matter that is *sub judice*. It is a voluntary restraint which protects an accused in a court action or judicial inquiry against any public discussion on the issue.

The application of the *sub judice* convention in some situations is now well established; in others, it often depends on the discretion and judgement of the Speaker. In general, however, four guidelines serve to direct the application of this convention. First, the procedural authorities (*Erskine May*, *Bourinot* and *Beauchesne*) agree that the *sub judice* convention does not apply to bills because that would infringe upon the fundamental right of Parliament to legislate. Second, the *sub judice* convention does apply in matters related to criminal cases on which a judgement has

not yet been rendered. In addition, if an appeal is made, the matter is immediately regarded as *sub judice* again. Third, the Chair has been cautious in allowing references to matters in civil cases prior to judgement. Where the court was one of record (i.e., a court that can levy a fine or impose a prison sentence), the Chair has tended to rule in support of the *sub judice* convention, but only after the matter had reached the trial stage. Finally, the *sub judice* convention is not invoked with reference to matters before royal commissions or other agencies that are not courts of record. Nonetheless, Members normally refrain from commenting on proceedings, evidence or findings before a final report by the commission or agency has been made.

In its First Report (tabled on April 29, 1977, and not concurred in), the Special Committee on the Rights and Immunities of Members made the following recommendations concerning the Speaker's application of the *sub judice* convention: "Your Committee is of the opinion that precise regulations concerning the application of the *sub judice* convention cannot be evolved and that it would be unwise to attempt to do so. Your Committee recommends that the Speaker should remain the final arbiter in the matter, that he [or she] should retain the authority to prevent discussion of matters in the House on the ground of *sub judice*, but that he [or she] should only exercise this discretion in exceptional cases where it is clear to him [or her] that to do otherwise could be harmful to specific individuals."

## 12.(d) Points of Order

Points of order are raised to call attention to any departure from the Standing Orders or customary procedures in debate or in the conduct of legislative business; a Member may raise them at virtually any time, whether he or she has previously spoken or not.

A Member has the right and responsibility to draw the Speaker's immediate attention to any instance of what he or she believes is a breach of order. The Member may interrupt and explain the point concisely to the Speaker as soon as an irregularity occurs in the proceedings; that is, the Speaker's attention must be directed to a breach of order the moment it occurs, before business has passed to a stage at which the objection would be out of place. A Member raising a point of order

should state which Standing Order (or practice tantamount to a rule) he or she feels is being breached. If the Member does not, the Speaker may so request. Generally, a point of order may be raised at any time, but not so as to interrupt when the Speaker is addressing the House. Even those provisions in Standing Orders stating that certain actions must be taken "forthwith" or "forthwith without debate" do not bar a Member from raising a point of order when a serious irregularity occurs.

The Speaker decides questions of order only when they actually arise, not in anticipation. Hypothetical questions on procedure cannot be addressed to the Speaker from the floor of the House. Furthermore, the Speaker need not wait for the interruption of a Member, but is bound to call attention immediately to an irregularity in debate or procedure and to rule on each point of order. No debate is permitted on such a decision, nor can the decision be appealed to the House.

Where points of order are concerned, changes to the Standing Orders in 1986 incorporated practices which had developed over several years since the tenure of Speaker Jerome. These changes established certain times at which points of order may be raised, following certain practices mentioned in *Beauchesne*.

Points of order may still be raised at any time during debate, although not during "Statements by Members" or Question Period. They may be raised only at the end of these respective periods or otherwise, immediately after Routine Proceedings. Points of order arising from Routine Proceedings itself, as well as points of order following the Adjournment Debate from the preceding day should be taken up immediately after Routine Proceedings. Despite these restrictions, however, the Chair has discretion at any time to rule on questions involving unparliamentary language.

A Member cannot rise on a point of order to move a motion. If, however, the point of order is founded upon Standing Order 62: "That the Member be now heard", the Speaker will hear the Member, and if the point is well-founded, the Speaker could thereupon recognize the Member to move the motion. Members may not ask the Speaker to rule on a constitutional question or to decide a question of law; nor may they rise on a point of order to defer or impede the progress of their own motions, nor raise points of order against themselves; nor raise a second point of order when one is already before the House.

## 12.(e) Emergency Debate

A motion to adjourn the House is not debatable. However, the Standing Orders allow debate consequent upon such a motion in a number of specific cases. The most usual is the daily adjournment proceedings, discussed in Chapter 9. A second type of adjournment debate is possible if the subject of the debate is "a specific and important matter requiring urgent consideration". Thus, a Member who wishes the House to debate an urgent matter initiates the process by requesting leave to move the adjournment of the House to discuss a stated matter of urgency and importance. The Speaker has the authority to decide whether or not the subject-matter should be brought immediately before the House. (In this context, urgency pertains to the debate, not to the matter.) Should the Speaker accept the application, the actual debate is deferred usually until 8:00 that same evening; on Fridays it is taken up forthwith.

This entire procedure is governed at each stage by a number of specific rules and conditions. Initially, a Member must give the Speaker written notice of the proposed motion at least one hour prior to raising it in the House. An application for an emergency debate can be made only after the ordinary daily routine of business.

The Member rises and, without argument, asks leave to move a motion to adjourn the House to discuss the emergency matter. The Standing Orders provide the criteria for the Speaker to determine whether the subject-matter is such that the adjournment motion should be proposed to the House. First, the Speaker must consider the extent to which the matter concerns the Government's administrative responsibilities or falls within the scope of ministerial action; the Speaker must also consider if and when the matter might be brought before the House by other means, that is, consideration is given to the urgency of a special debate. The Standing Orders also stipulate that the matter must be a genuine emergency; that only one such motion can be made in a sitting; that the motion can involve only one subject; and that it cannot revive a discussion already held under the provisions for an emergency debate. Speakers' decisions have further established that the subject-matter should not be of exclusively local or regional interest, should not relate only to a specific group or industry and should not involve the administration of a government department; ongoing problems have also been rejected as unsuitable. Procedural authorities make clear that matters

arising out of debates in the same session, terms of a bill before the Senate, points of privilege or order, or other matters debatable only upon a substantive motion cannot be submitted to the House for consideration as matter for emergency debate. The established rules of debate, such as the rules of *sub judice* and anticipation, apply as well to emergency debates. In deciding whether or not to allow this motion, the Speaker may take into account the general wish of the House to debate the matter. Finally, the Speaker may defer a decision until later in the sitting; in accepting or rejecting the proposal, the Speaker is not bound to state any reasons.

Emergency debates are now held over until 8:00 p.m. (but are taken up immediately on Fridays) although the Speaker, often after consultation with the House Leaders, may decide to defer debate until a specific time on the following sitting day.

During an emergency debate, each Member may speak for a maximum of 20 minutes. The emergency debate is not interrupted by Private Members' Business or by the ordinary hour of daily adjournment. Should the debate be concluded before the adjournment hour, the motion to adjourn shall be deemed to have been withdrawn. Otherwise at 12:00 o'clock midnight (4:00 p.m. on Fridays) or when in the Speaker's opinion debate has concluded before those hours, the Speaker shall declare the motion carried and adjourn the House to the next sitting day.

## 13. FINANCIAL PROCEDURES

### Introduction

The ways in which the Government raises money on the one hand, and spends it on the other, are governed by a very specific set of procedures having their roots in Canada's constitutional and parliamentary heritage. The processes are complex but the fundamental principles involved are straightforward. This chapter will outline these basic principles, provide a brief review of their historical origins, and describe the various stages of the process by which the Government obtains and spends money.

Parliament's financial proceedings can be separated into two distinct categories: **ways and means proceedings**, which is the process that allows the Government to raise revenues (usually by the collection of taxes) and the **business of supply**, which is the means of authorizing expenditures for various programs and services. All taxes and expenditures must be sanctioned by legislation, and all such bills must originate in the House of Commons.

The principles underlying Canadian financial procedures have their roots in the evolution of the parliamentary system of government in Great Britain and in the history of the financial relationship between the Crown and Parliament. In medieval England, the King was expected to meet all public expenses out of his own revenues. As the operation of government grew and the ability of the Crown to meet these expenses diminished, the Sovereign was obliged to seek funds by summoning a council to discuss what aids should be given to the Crown. In 1295, the writ of summons for one of these councils (which was later known as the "Model Parliament") declared: "What touches all should be approved by all". The role of Parliament was beginning to take form.

The concept of the Crown requesting funds and Parliament granting them is central to understanding how the whole system of revenue and expenditure in government works. In simple terms, requests for funds must originate with the Crown, which acts on the advice of its Cabinet. In Canada, the request is made in the form of a recommendation by the Governor General to the House of Commons which

may grant or deny it. Revenue is generated through taxation measures initiated by a Minister of the Crown in the House of Commons.

The *Constitution Act, 1867* sets out many of the basic provisions for the financing of the Government's activities. The Act provides for the creation of a Consolidated Revenue Fund. The Fund is modelled after the one created in Britain in 1787, which abolished the necessity of matching a particular expenditure with a specific revenue. Revenues and expenditures can thus be seen as deposits and withdrawals from this central fund.

The *Act* also establishes the Crown's initiative in matters of expenditure, and stipulates that all legislation introducing or raising taxes must originate in the House of Commons. The House of Commons reiterates its authority over charges on both the Fund and the taxpayer in its Standing Orders.

### 13.(a) Business of Supply

In the Speech from the Throne, delivered by the Governor General at the beginning of each session, the Members of the House of Commons are informed that they will be asked to appropriate the funds required to carry on the services and expenditures authorized by Parliament. The process involved in this appropriation operates on a fairly rigid schedule centred on a fiscal year that runs from April 1 to March 31 of the following year. The fiscal year is divided into three "supply periods", ending June 23, December 10 and March 26. Deadlines for the consideration of various items of business are associated with each of the three supply periods.

The basic components of supply can be divided generally into a legislative phase (involving the estimates and appropriation bills) and a general debate phase (consisting of opposition supply motions).



### 13.(a)(i) Supply: The Legislative Phase

The Government's expenditure plan for the fiscal year is contained in documents known collectively as "the estimates" or "the Blue Books". The estimates for the coming fiscal year are tabled in the House of Commons, with a Royal Recommendation, on or before March 1 of the expiring fiscal year. They are presented in three parts: the Government Expenditure Plan (Part I) which gives an overview of the Government's total expenditures; the Main Estimates (Part II) which provide a list by government department of expenditure items; and the Departmental Expenditure Plans (Part III) which is a collection of individual books offering detailed information on all the programs within each department or agency of the Government.

Part II of the estimates -- the Main Estimates -- becomes the focus of the House's consideration. The expenditures listed here are of two distinct types: statutory and budgetary. The former are included for information purposes only, since the expenditures have previously been approved in legislation, on a continuing basis. An example of this sort of expenditure would be the salaries provided for judges. Budgetary items, on the other hand, are expenditures proposed by the Government, for which the approval of Parliament is being sought.

The Main Estimates are studied in committee, and returned to the House for concurrence. A bill based on the estimates, known as an appropriation bill, is considered first by the House, and then in the Senate, and finally receives Royal Assent. A more detailed explanation of this process follows.

#### Main Estimates: Committee Consideration

The Main Estimates are referred by the House to standing committees for consideration. Each committee is asked to study the portion of the estimates which relates to its mandate (e.g., the estimates for the Justice Department are sent to the Standing Committee on Justice and Legal Affairs). A committee considers each of the budgetary items, referred to as "Votes", individually. Each Vote becomes the subject of

a distinct motion, which can be agreed to (approving the expenditure), amended (reducing the amount provided) or negatived (eliminating the expenditure). A committee may not increase the amount of a Vote, as that would infringe on the financial initiative of the Crown. Committees do not consider statutory items, since these have already been approved in legislation.

Committee consideration of the Main Estimates can involve inviting witnesses to appear before the committee. These may include the appropriate Minister, officials of the department or agency involved, and interested individuals or groups. Amendments made to the Standing Orders in 1994 also empowered committees, as part of their review of Estimates, to examine and report on the expenditure plans and priorities in future fiscal years of the departments and agencies whose Estimates are under study.

Once consideration is complete, committees report the Estimates back to the House. The reports may not contain substantive recommendations; Votes in the Estimates may only be concurred in, reduced or negatived. Committees that have not reported by May 31 are deemed to have done so.

One exception to the May 31 reporting deadline is provided for in Standing Order 81(4), which allows the Leader of the Opposition to move a motion to extend the time for committee consideration of the Main Estimates for one department or agency. This motion is deemed adopted on the last sitting day prior to May 31, and allows the affected committee to delay the presentation of its report for ten sitting days, or until the day immediately preceding the final supply day in the period. Committees reporting on departmental plans and priorities may submit their reports up to and including the last normal sitting day in June.

### Main Estimates: Concurrence

After the standing committee reports have been tabled, there is an opportunity for all Members of the House to review the decisions reached in committee before motions for concurrence in the estimates are introduced.

The Government must give at least 48 hours' notice of a motion or motions to concur in the estimates. If the Government wishes to restore any items that were reduced or reinstate items that were eliminated in committee, it must provide 48 hours' notice of these motions as well. At the same time, Members are given an opportunity to table notices of motions to oppose any item in the estimates. In the supply period ending June 23, 48 hours' notice is required of these motions to oppose.

On the last day given over to consideration of supply in the period ending June 23, all motions of opposition and concurrence in the Main Estimates are considered by the House. Debate is permitted, but the Standing Orders provide that at no later than 10:00 p.m., the Speaker must put all questions necessary to dispose of the motions.

### Appropriation Bill

Once the Main Estimates have been concurred in, the next step in the process of financing the Government's programs is the passage of an appropriation bill. It authorizes the actual withdrawal of funds from the Consolidated Revenue Fund, and because it is based on the provisions of the estimates, the amounts specified in the bill must not exceed the limits established by the estimates.

On the last supply day in the June 23 period, and immediately following the concurrence motion, the appropriation bill is read a first time, without a motion for leave to introduce, and thereafter follows the usual stages in the legislative process, with referral to a Committee of the Whole after second reading. Special provision is made in the Standing Orders for the bill to be passed in a single day. Due to this time limit, the bill is usually considered without debate or amendment.

### Interim Supply

The steps just described for dealing with the Main Estimates and the resulting appropriation bill have an obvious shortcoming. Since the fiscal year begins on April 1, and the appropriation bill is adopted on the last supply day in the period ending

June 23, the Crown would appear to be left without funds for the interim three months.

This situation is resolved with a request for an advance on the funds set out in the Main Estimates, known as Interim Supply. Normally, a motion for interim supply is adopted on the last supply day in the period ending March 26. The Government gives notice of a motion setting out in detail the sums of money it will require. The figures are expressed in twelfths of the amounts given in the Main Estimates. Most are three-twelfths, corresponding to the three months' lag until the passage of the Main Estimates. Concurrence in the interim supply motion is followed with an appropriation bill, which is proceeded with in the manner set out above.

Although the House may grant a request for interim supply, this does not constitute approval for the various programs thus funded. Standing committees consider the Votes for programs which received interim supply in the usual manner. However, they cannot reduce the Votes for these items beyond the amounts already approved in interim supply.

### Supplementary Estimates

Since the Main Estimates are prepared well in advance of the beginning of the fiscal year in which they will apply, it happens from time to time during the course of the year that the amounts calculated for various programs prove inadequate, or that unforeseen needs arise. Supplementary Estimates permit these requirements to be met.

Supplementary Estimates may also include budgetary amounts often called "dollar items". This term refers primarily to requests for the transfer of existing funds, rather than for new or additional amounts.

Like the Main Estimates, Supplementary Estimates are sent to the appropriate standing committees once they are tabled. The committees consider them and report them back to the House, or are deemed to have reported them, not later than three sitting days before the last supply day in the period in which they were tabled.

Concurrence in the Supplementary Estimates follows the same procedure as set out for the Main Estimates: Members may give notice of motion to oppose particular items (only 24 hours' notice for these motions is required, instead of 48), and the Government may give notice of motion to restore or reinstate particular items.

Once Supplementary Estimates are concurred in, an appropriation bill is immediately read a first time and disposed of at the end of the last allotted day in the supply period.

### Governor General's Special Warrants

When Parliament is not in session and there is some urgent requirement for funds not otherwise provided for, the Governor in Council may by order direct the preparation of a special warrant, to be signed by the Governor General, authorizing a payment to be made out of the Consolidated Revenue Fund. This provision makes it possible for the work of government to continue, even though Parliament is not sitting.

The *Financial Administration Act* requires that every special warrant be published in the *Canada Gazette* within 30 days of its issue. Within 15 days of the commencement of the next meeting of Parliament, the Government must table a statement of warrants issued, and the amounts have to be included in the next request for supply.

### 13.(a)(ii) Supply: The General Debate Phase

A fundamental element of the principle underlying the financial procedures of Parliament is the idea that Parliament does not grant supply until the opposition has had the opportunity to demonstrate why it should be refused. This opportunity takes the form of debate on designated supply days.

Under normal circumstances, a total of 20 days per fiscal year are devoted to the consideration of the business of supply: eight days for the period ending June 23, five days for the period ending December 10 and seven for the period ending March 26. The last supply day of the June 23 period is reserved for the consideration of the motion to concur in the Main Estimates and the appropriation bill, leaving 19 days for debate. These days are variously referred to as "allotted days", "supply days" or "opposition days" and are given over to debate on motions moved by the opposition.

According to amendments made to the Standing Orders in April 1991, if the House does not sit on days designated as sitting days in the parliamentary calendar, the total number of allotted days in that supply period will be reduced by a number of days proportionate to the number of sitting days on which the House stood adjourned. Likewise, if the House sits on days not designated as sitting days, the total number of allotted days in that supply period shall be increased by one day for every five days during which the House sits. Further amendments to the rules in 1994 provided that in a calendar year, no more than one-fifth of all allotted days may fall on a Wednesday and no more than one-fifth may fall on a Friday.

It is up to the Government to designate supply days. Normally, the Government House Leader rises in his or her place after Question Period to announce that the House will consider a supply motion on the following day. However, the choice of topic on supply days is entirely up to the opposition parties. The subject of the motions may centre on any matter falling within the jurisdiction of the Parliament of Canada. The Standing Orders provide that in any one supply period, a maximum of three of these motions (but not more than eight over the whole year) may be designated as "votable", meaning that the House will come to a decision on those motions at the end of the debate. Again, it is up to the opposition to decide which motions may come to a vote.

If there is disagreement among the opposition parties as to the allocation of the supply days, the Speaker will decide which of the motions submitted will be debated. In doing so, the Chair takes into consideration the parties' representation in the House, the number of days already allotted to each party, and whether or not the proposed motions have been designated as votable.

## Supply - An Overview

A brief overview of the arrangement of the business of supply for each supply period follows:

### *Period ending June 23:*

- Eight allotted days (seven for consideration of opposition motions)
- Main Estimates -- concurrence and adoption of related appropriation bill
- Supplementary Estimates (if any) -- concurrence and adoption of related appropriation bill

### *Period ending December 10:*

- Five allotted days
- Supplementary estimates (if any) -- concurrence and adoption of related appropriation bill

### *Period ending March 26:*

- Seven allotted days
- Supplementary Estimates (if any) - concurrence and adoption of related appropriation bill
- Interim Supply - concurrence and adoption of related appropriation bill

## 13.(b) Ways and Means Proceedings

Ways and Means is a parliamentary term used to describe the process by which the Government obtains the necessary resources to meet its expenses, and by which it

influences the nation's economy. The business of Ways and Means has two essential elements: one enables the Minister of Finance to present an economic statement known as a Budget; the other is the prerequisite for the introduction of taxation bills.

### 13.(b)(i) The Budget

A Budget is one of the primary tools used by the Government to enunciate its fiscal, economic and social policies. It is the major statement of the economic direction which the Government intends to follow.

There is no requirement for a Budget to be presented at a particular time of year, or even on an annual basis. However, the practice has been to deliver a Budget speech at least once a year, and recently it has tended to precede the tabling of the Main Estimates, i.e., before the first of March.

The Minister of Finance sets the process for the Budget in motion by rising in the House to ask that an Order of the Day be designated for a Budget presentation on a specific sitting day at a specific time. The Standing Orders deem that the day and time shall be so designated simply on the Minister's request and without a decision of the House. At the specified time, the Speaker will interrupt the business then before the House and such proceedings will be deemed adjourned.

It is customary for the Minister of Finance to deliver the Budget speech after the stock markets have closed for the day. He or she moves the motion "That this House approves in general the budgetary policy of the Government" and proceeds to outline the provisions of the Budget. The Minister may table one or more notices of Ways and Means motions at this time, proposing increased charges on the taxpayer. These motions will be concurred in at some future date, after the Budget debate is complete. The Standing Orders do not permit the moving of concurrence in these motions during the Budget debate. (Ways and Means motions are discussed more fully in the next section.)

Following the delivery of the Budget speech, the Speaker recognizes a member of the Official Opposition who usually makes a brief speech and then moves the



adjournment of the debate, thus reserving the right to speak first when debate is resumed.

The rules of the House provide for four days of resumed debate on the Budget (i.e., four days in addition to the day on which the Budget was presented), and permit only one amendment and one subamendment to the Minister of Finance's motion. The Official Opposition finance critic usually moves the amendment on the first day of resumed debate, and later, the first Member to speak on behalf of the next largest opposition party will move a subamendment.

There are no time limits set for the speeches given by the Minister of Finance, the first speaker from the Official Opposition, the Prime Minister and the Leader of the Opposition. Other Members participating in the Budget debate are allowed up to 20 minutes each to address the House. Following each of their speeches there is a ten minute questions and comments period. Due to the broad scope of a Budget, the Chair tends to relax the rules of relevance during the Budget debate.

The disposal of business relating to the consideration of the Budget follows a precise schedule set down in the Standing Orders. On the second day of resumed debate, the Speaker will interrupt the proceedings at 15 minutes before the end of the proceedings and put the question on the subamendment. On the third day, the Speaker will interrupt the proceedings in the same way and put the question on the amendment. Finally, at the end of the fourth day of resumed debate, the question on the main motion is put to the House.

Consideration of budgetary measures was extended to committees of the House in 1994 when amendments adopted to the Standing Orders empowered the Standing Committee on Finance to consider and report on the government's budgetary proposals. The Committee's study of these proposals may begin on the first sitting day in September and any report(s) by the Committee must be made no later than the tenth sitting day before the last sitting day in December.

The implementation of the measures set out in the Budget follows a particular convention that merits explanation. It is well known that the tax changes proposed in the Budget are put into effect immediately. However, these changes have not, at this

point, actually been enacted into law, since the Minister tables only the notices of Ways and Means motions with the Budget -- the legislation flowing from these motions has not yet reached even first reading stage. Until such legislation is passed (and this can take many months, or even years), with a provision for retroactive application, the collection of these taxes is actually voluntary, and legally cannot be enforced.

### 13.(b)(ii) Ways and Means Bills

Ways and Means bills may originate with taxation proposals outlined in a Budget, but they can also be the result of separate government initiatives designed to deal with a particular economic situation. This type of legislation changes taxation levels in one of four specific ways:

- imposition of new taxes;
- continuation of expiring taxes;
- increase in the rate of an existing tax; and
- extension of the incidence of taxes to include, for example, persons not already deemed payers.

In Canada, unlike Great Britain, the basic tax statutes continue from year to year, with no need for renewal. The principal Acts which replenish the Consolidated Revenue Fund are the *Income Tax Act*, the *Excise Tax Act*, the *Excise Act*, and the *Customs Tariff Act*. Unless the Government wishes to increase the charges in the taxation law, no Ways and Means legislation need be introduced.

The introduction of a Ways and Means bill must be preceded by an extra legislative step: the adoption of the Ways and Means motion on which the bill is to be based. The motion sets out the limits on all provisions of the bill. These limits cannot be exceeded during the legislative process without the introduction of another Ways and Means motion.

Notice of a Ways and Means motion may be given at any time and only by a Minister of the Crown. The Minister may choose to table the notice during a Budget presentation (as mentioned previously) or, if the taxation measure is an independent initiative, the notice may be tabled on a point of order, during debate, etc.

A day for the consideration of a Ways and Means motion is designated by a Minister rising in his or her place in the House. The motion may not be moved on the same day that the notice is tabled, nor may it be considered during the Budget debate. When the Order of the Day is called for concurrence in a Ways and Means motion, it is decided without debate or amendment. Once adopted, it may become either an Order of the House to bring in a Ways and Means bill based on the provisions of the motion, in which case the first reading of the bill will usually follow immediately, or it becomes an order to propose an amendment or amendments to a bill before the House, provided that the amendment or amendments are otherwise procedurally acceptable.

From this point on, a Ways and Means bill follows the same steps in the legislative process as do other bills.

The introduction of Ways and Means legislation can, however, be somewhat complicated if a bill contains provisions for the *spending* of money as well as the raising of revenue. Such a bill would have to be accompanied by a Royal Recommendation, which requires 48 hours' notice. On June 8, 1988, Speaker Fraser was called upon to rule in such a situation: "Such a case triggers a double procedure ... when the House [is] in fact asked twice to proceed with the introduction of the Bill, once through the acceptance of a Ways and Means motion ... and a second time ... through the regular motion requesting leave to introduce the Bill."

### 13.(c) Other Elements of Financial Responsibilities

As already described, the procedures of the House of Commons in relation to financial matters are complex. There are three other activities of the House in this field which should be briefly touched upon, namely the borrowing authority process, the Auditor General's reports, and the Public Accounts of Canada.

### 13.(c)(i) Borrowing Authority

Borrowing powers are needed by the Government to make up any shortfall between revenues and expenditures. The Government may acquire the means of covering this shortfall by issuing treasury bills, marketable bonds, and Canada Savings Bonds on domestic and foreign markets. However, before any borrowing may be sought, the Government must obtain parliamentary approval. Section 43 of the Financial Administration Act states: "No money shall be borrowed or security issued by or on behalf of Her Majesty without the authority of Parliament".

A general pattern has evolved whereby the Government normally presents a Budget at some point in February, tables the Main Estimates before March 1, and introduces borrowing authority legislation shortly afterwards. The rationale behind this is to present Parliament with all the relevant details relating to the financial requirements of the Government before seeking borrowing authority. As mentioned, borrowing authority is obtained through the adoption of a bill which is subject to the normal rules of debate and amendment of the House of Commons (with the exception that a maximum of two sitting days are set aside for the consideration of the bill at second reading).

### 13.(c)(ii) "Closing the Loop"

The role of the House of Commons in the expenditure plans of the Government does not end with the adoption of appropriation bills. There is another function which the House fulfils and that is as "watchdog" ensuring that the monies voted by the House are properly spent. This function is delegated to the Standing Committee on Public Accounts which reviews and reports on the *Public Accounts of Canada* and the annual report of the Auditor General of Canada. This monitoring function is described as "closing the loop" because it completes the financial cycle whereby funds are approved, spent and accounted for.

The *Public Accounts of Canada* is a report prepared by the Receiver General under section 64 of the *Financial Administration Act*. Succinctly described, it is a detailed

report of the financial transactions of all government departments and agencies. The report is published in three volumes giving an overview of the financial operations of the Government as well as detailed statements of financial records.

The Auditor General is an officer of the House and presents an annual report to the Speaker outlining the examination performed by his or her office as auditor of the *Public Accounts* as required by the *Auditor General Act*. Under amendments made to the *Auditor General Act* in 1994, the Auditor General is also authorized to present to the House up to three additional reports per year. Normally, each report develops one major theme relating to financial accountability as well as presenting detailed audits of selected government departments and agencies. The Standing Committee on Public Accounts studies these audits over the year and reports its observations and comments to the House.

## 14. COMMITTEES

The House of Commons delegates most of the detailed study of proposed legislation and the scrutiny of government policy and programs to its committees. In delegating these responsibilities, the House of Commons establishes specific terms of reference for their work through Standing Orders or, from time to time, by Special Orders of the House.

### 14.(a) Types of Committees

There are various types of committees.

**Committees of the Whole (House)** – As the name suggests, such committees are composed of the entire membership of the House of Commons. They are established by the Standing Orders and examine appropriation bills. From time to time, the House sends other bills to Committee of the Whole to expedite their passage.

**Standing committees** – These are committees appointed for the life of a Parliament to deal with subjects of continuing concern to the House. There are currently 19 standing committees as established by the Standing Orders adopted in January 1994. (See Appendices for a list of the Standing and Standing Joint Committees of the House of Commons.) For the most part, they parallel the government departments whose policy development, program administration and budgetary estimates they examine. Occasionally, the House may decide to send special inquiries to standing committees.

**Legislative committees** – Legislative Committees are created on an ad hoc basis to examine bills in detail, and may report only the bill, with or without amendments, to the House.

**Special committees** – Sometimes referred to as "task forces", special committees are appointed on an *ad hoc* basis by the House to study specific matters. Each special committee is established by a motion specifying its purpose and powers.

**Joint committees** – These committees are composed of members of both the House of Commons and the Senate. They may be appointed under the Standing Orders of each House (Standing Joint) or they may be created by special resolutions of the two Houses (Special Joint).

**Sub-committees** – Standing committees are free to delegate their responsibilities to any sub-committees they wish to create. These sub-committees may have all of the powers of the standing committee except the power to report directly to the House. Special committees may be given the power to create sub-committees if the House so decides, but legislative committees may only create a sub-committee on their agenda, commonly called a steering committee.

## 14.(b) Powers of Committees

Committees are given different kinds of powers by the House of Commons in relation to their specific tasks.

### Standing committees

The powers of a standing committee are set out in the Standing Orders as follows:

- to examine matters referred to it by the House;
- to report to the House from time to time;
- to send for persons, papers and records;
- to sit while the House is sitting or stands adjourned;
- to sit jointly with other standing committees;
- to print necessary papers and evidence; and
- to delegate to a sub-committee any of its powers except the power to report to the House.

Standing committees are also empowered by the Standing Orders to study and report on all matters relating to the mandate, management and operation of

government departments assigned to them; to review all Order in Council appointments referred to them; and to examine all permanently referred reports. In addition, certain standing committees are given special mandates as outlined in Standing Orders 83.1, 108(3) and 108(4).

## Legislative committees

The powers of a legislative committee are set out in Standing Orders 113(5) and 120 as follows:

- to examine and inquire into the bill referred to it by the House;
- to report the bill with or without amendments;

and except when the House otherwise orders:

- to send for persons whom the committee deems to be competent to appear as witnesses on technical matters;
- to send for papers and records;
- to sit when the House is sitting or stands adjourned;
- to print necessary papers and evidence; and
- to retain the services of expert and technical staff.

Legislative committees may create only one kind of sub-committee, namely one on agenda and procedure.

## Special committees

The powers of a special committee are those set out in its Order of Reference and do not include those listed in the Standing Orders unless specified in the Order of Reference. Like standing committees, special committees may also request additional powers by means of a report to the House if they have the permission to report from "time to time".



## General

All committees are empowered to retain the services of such expert, professional, technical or clerical staff as may be necessary. Additional powers, such as the power to travel or to broadcast their proceedings through other than House facilities may also be granted by means of an Order of Reference from the House.

### 14.(c) Procedure and Rules of Order

Committees are regarded as creatures of the House and their proceedings are governed for the most part by the same rules which govern House proceedings, namely the Standing Orders, precedent and practice. The Standing Orders enumerate a few notable House rules which need not apply (e.g., the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches). It must be stressed that these rules should not be interpreted as prohibiting committees from seconding motions or limiting the number of times a Member can speak. They are actually permissive in nature, freeing committees from adhering to the rules but leaving each committee to formulate its own rules and restrictions as long as it does not exceed the basic powers delegated to it by the House.

There are some significant differences between the rules of the House and those of committees. For example, while a Speaker's decision cannot be commented upon, the decision of a chairman may be appealed to the committee through a non-debatable motion and can be overturned by a majority of committee members. Furthermore, committees have no authority to decide a question of privilege. A question of privilege is a matter for the House to decide; a committee can decide only whether an alleged breach of privilege should be reported to the House. In general, the same rules and practices of the House apply to committees when considering motions and amendments. However, in committee, motions can be moved without notice and without a seconder; the previous question is not in order; a quorum must be present for a motion to be received and voted upon; and only an official member of a committee is entitled to move a motion.

## 14.(d) Committee Membership

### Standing Committees

The initial list of members for each standing committee is drawn up by the Standing Committee on Procedure and House Affairs, as specified in the Standing Orders, roughly reflecting the party standings in the House of Commons. The Standing Orders specify that the membership of a standing committee shall consist of between seven and fifteen Members.

The Standing Orders also provide for "associate Members" of committees, who may be named to sub-committees of the main committees and who may serve as substitutes for one or a number of committee meetings.

Substitutions may be made by any permanent member of a committee for any specific meeting by sending the name of a substitute from his or her list of not more than 14 names, previously filed with the clerk of the committee, to the Whip of his or her party, who shall forward the same to the clerk of the committee. (Substitutes must be Members of the same party.) Such a substitution is effective the day after notification has been forwarded to the Whip of the member's party (or, in the case of independent Members, the whip of the Official Opposition). When no notice of substitution has been filed by this method, the Whip of any recognized party may immediately effect a substitution by choosing a substitute Member from among the Members of his or her party on the list of associate members for that committee. This is in keeping with the spirit of parliamentary reform which pressed for stability of membership in standing committees. Permanent changes in committee membership recommended by the Standing Committee on Procedure and House Affairs can come into effect only when the House concurs in its report. This is also the case with legislative committees.

Among other rights, a member of a committee may participate in debate, question witnesses, move motions, vote and be counted in the quorum. A substitute member may act only in the absence of one of the regular members of the same party after having been officially so designated, and may only then be counted in the quorum.

Any Member of the House who is not a member of the committee may, unless the House or the committee otherwise orders, take part in the public proceedings of the committee but may not vote, move motions or be part of a quorum.

## Legislative Committees

At the beginning of each session, the Speaker appoints in proportionate numbers from government and opposition parties, as many as twelve Members to act as chairmen of legislative committees, who, together with the Deputy Speaker and Chairman of Committees of the Whole, the Deputy Chairman of Committees of the Whole and the Assistant Deputy Chairman of Committees of the Whole, constitute a Panel of Chairmen for the legislative committees.

Within five sitting days after the commencement of debate on a motion to appoint a legislative committee or to refer a bill thereto, the Standing Committee on Procedure and House Affairs will meet and prepare a list of members to be on this legislative committee. The committee will only be organized after the House adopts the motion for appointment or referral. The report by the Procedure and House Affairs Committee is deemed adopted upon presentation, and once the report is adopted, the Speaker will appoint a chairman for that committee from the Panel of Chairmen.

The Standing Orders specify that legislative committees shall not consist of more than 15 Members. Legislative committees follow the same rules regarding attendance at meetings of Members of the House who are not members of the legislative committee, but the substitution rules differ slightly. A change in the membership of legislative committee is effective immediately upon the receipt by the clerk of the committee of the notice of a substitution signed by the chief whip of a recognized party.

## Special Committees

The members of a special committee may be appointed in the same motion which establishes the committee or later by the Standing Committee on Procedure and House Affairs. Its membership is limited to 15 pursuant to the Standing Orders. The motion establishing the committee may also name its chairman.

### 14.(e) Organization meeting

#### Standing committees

The organization meeting of a standing committee (to be convened within ten sitting days following the adoption by the House of a report of the Standing Committee on Procedure and House Affairs) is called on instruction from the Clerk of the House (a) to elect its chairman and two vice-chairmen, of whom two are Members of the government party and the third a Member of the Opposition, and (b) to deal with items of routine business. The chairman is elected by the committee to serve as its presiding officer and the spokesman through whom all matters are channelled.

After the election of the chairman and vice-chairmen, the committee usually determines a number of routine procedural and administrative matters. The committee through a motion establishes its steering committee (formally called the Sub-committee on Agenda and Procedure) by specifying the number of party representatives who will sit with the chairman as members to recommend how the committee should proceed to consider its Orders of Reference, and to advise on such topics as selection of witnesses and the schedule of meetings. Further, the committee may, by motion, authorize the chairman to hold meetings without a quorum in order to receive and print evidence, usually setting a minimum number of members who must be present at the meetings, and sometimes stipulating other conditions, for example, that both government and opposition parties be represented. Under no circumstances can a committee consider a motion or vote without a quorum present.

## Legislative committees

Organization meetings in legislative committees differ slightly from those of standing committees. Since the chairman of a legislative committee is appointed by the Speaker from the Panel of Chairmen, no election is necessary. The chairman begins the meeting by announcing his or her appointment and then invites members to move the routine business motions (e.g., to establish a steering committee, etc.).

## Special committees

The organization meeting for a special committee is convened at the earliest opportunity. If the House has not named the chairman in the motion establishing the committee, the committee will proceed to the election of a chairman and two vice-chairmen as its first order of business. Afterwards, it will proceed to adopt the other routine motions common to all committees.

## 14.(f) Meetings

The Sub-committee on Agenda and Procedure (commonly called the steering committee) meets at the call of the Chair to consider what future business it should recommend to the committee. When the committee has decided upon a schedule of meetings, the clerk sends a notice of the meeting(s) to all members of the committee and to other affected persons.

The Standing Orders empower standing committees to sit while the House is sitting and when the House stands adjourned. However, certain restrictions do apply. During periods when the House is sitting, priority is given to meetings of committees considering legislation or estimates over meetings of committees considering other matters. During periods when the House stands adjourned, priority is given to meetings of standing, special and joint committees, according to a schedule established from time to time by the Chief Government Whip, in consultation with representatives of the other parties.

Technically, a committee may start its proceedings only once a quorum is present. However, by adopting a motion to that effect, the committee may authorize the chairman to hold meetings and print evidence when a quorum is not present. Quorum is defined in Standing Order 118(1) as the majority of the members of a standing, special or legislative committee, including the chairman. In the case of joint committees, the number of members constituting a quorum will be determined by the House acting in consultation with the Senate but until the committee is instructed, it is a majority of the Members from each House.

### *In camera* meetings

Committee meetings are usually open to the public and the media. If a committee wishes to deliberate in private, it may decide to hold *in camera* meetings. Such meetings are usually ordered when the committee is considering some administrative matter such as a proposed budget or the hiring of staff or when it is drafting a report. As *Beauchesne* explains, "The purpose of *in camera* sittings is to allow Members to feel free to negotiate, discuss, deliberate and, sometimes, compromise without the glare of publicity, which might add to the difficulties of agreeing ...". Normally, Members of Parliament who are not members of a committee are permitted to attend *in camera* meetings unless the committee otherwise orders.

### Meeting outside the precincts of Parliament

For a committee to meet outside the precincts of Parliament, it must have the authority of the House to do so and it must have sufficient funds to cover its expenses. The authority of the House is obtained in various ways: through the Order of Reference originally given to the committee; through a Special Order negotiated with the House Leaders and passed by the House; or through a committee making a report to the House and having this report concurred in.

Committees which hold formal meetings in Canada usually make records of their proceedings available. When travelling outside Canada, committees do not usually hold formal meetings nor are their proceedings published.

## Broadcasting

From time to time, special motions have been adopted by the House to authorize committees to broadcast their proceedings. The changes adopted in April 1991 brought the matter of broadcasting into the Standing Orders for the first time. Committees wishing to have their proceedings televised, other than by means of the House of Commons facilities provided for that purpose, must first obtain the consent of the House. Those obtaining consent may permit the presence of the electronic media at their meetings, subject to the guidelines adopted by the House in April 1993.

## 14.(g) Witnesses

To seek information about the matters it is considering, a committee may invite interested parties to testify before it and/or to submit written briefs. In this regard, a distinction can be made between different types of committees. A legislative committee studying a bill is somewhat more circumscribed than a standing or special committee conducting an inquiry into a subject matter since the Standing Orders empower a legislative committee only to invite as witnesses those persons it deems competent to appear on technical matters.

Since time constraints may make it impossible for committees to hear testimony from every individual and group requesting to be heard, steering committees usually consider lists of potential witnesses and make recommendations to the full committee. The committee decides to whom invitations will be issued. Individuals and groups not invited to appear are usually asked to submit briefs.

Witnesses enjoy the protection of the House for the testimony they give before the committee. The committee may require a witness to be examined under oath or affirmation which may be administered by the chairman or the clerk of the committee. At the committee's discretion, witnesses may also be permitted to have counsel assist them. Every witness has the right to address a committee in either official language.

Public servants who appear before committees do so as representatives of, and are subject to the instructions of, their Ministers. Public servants may be prevented from answering certain questions relating, for example, to confidential advice given to Ministers; to the private affairs of individuals, companies or institutions on which information has been supplied in confidence; to matters which are the subject of sensitive negotiations between governments; and to specific cases which are *sub judice*.

In those instances where the committee requires the testimony of a witness who has refused an invitation to appear, the committee has the power, under the Standing Orders, to issue a formal summons. Should a witness refuse to appear after a formal summons has been issued, or should a witness refuse to answer questions, the committee's only recourse is to report the matter to the House.

#### 14.(h) Documents

The Standing Orders also empower committees to send for papers. When a committee begins an examination into a particular subject-matter, it may decide to advertise for interested persons to submit briefs or it may request that particular documents be produced.

When an individual or organization has refused to provide a document requested by a committee, the committee may pass a motion ordering the production of that document. The committee, however, can only insist upon those papers which the House itself, according to its rules and practices, can demand. If the order to provide the document is not complied with, the committee may choose to report the matter to the House.



## 14.(i) Committee Inquiries

Since the procedural reforms of the mid-1980s, there are now many types of inquiries that may be conducted by standing committees. Following is a brief explanation of the characteristics of each type of study.

### Permanent mandates under Standing Order 108(2)

The operation of standing committees has dramatically changed since they have been given the power to initiate their own studies. Standing Order 108(2) gives standing committees the wide-ranging authority to "study and report on all matters relating to the mandate, management and operation of the department or departments of government which are assigned to them...". This power permits standing committees to examine the related statutes, programs, policy objectives, expenditure plans, and management of the department.

Specific mandates are given for certain standing committees such as Procedure and House Affairs, Canadian Heritage, Human Rights and the Status of Persons with Disabilities, Finance and Public Accounts, and to the standing joint committees on the Library of Parliament, Official Languages and Scrutiny of Regulations.

The Standing Orders elaborate special powers for two of these committees: the Standing Joint Committee for the Scrutiny of Regulations with regard to delegated legislation and the Standing Committee on Procedure and House Affairs with regard to the conduct of Private Members' Business and the membership of committees.

### Special Orders of Reference

The House has always had the power to order a committee to undertake a study into a particular subject-matter. The order may specify how long the committee has to conduct its inquiry, may include the authority to travel, and may even instruct the committee to establish a sub-committee to deliberate on certain aspects of the subject.

When a standing committee receives a special Order of Reference from the House, it acts much like a special committee and the report which it makes to the House must be limited to its specific terms of reference.

## Annual Reports deemed referred

Standing Order 32(5) now reads: "Reports, returns or other papers laid before the House in accordance with an Act of Parliament shall thereupon be deemed to have been permanently referred to the appropriate standing committee."

This rule effectively covers most reports issued by government departments and agencies. Internal departmental studies and the reports of royal commissions or commissions of inquiry are not covered under this rule.

## Order in Council appointments

Amendments to the Standing Orders in February 1986 authorize standing committees to review Order in Council appointments and nominees for all but judicial posts. This is a review procedure only and does not include authority to revoke or disallow any Order in Council appointment or nomination.

Where an individual has been *appointed* by Order in Council to a certain non-judicial post, a Minister of the Crown must table a certified copy of the Order within five sitting days after it has been published in the *Canada Gazette*. Where an individual has been *nominated* to a certain non-judicial post, a Minister of the Crown, although under no obligation, may table a certificate indicating such a nomination.

In either case, the name of the appointee or nominee is referred to a standing committee, specified at the time of tabling, for committee consideration during a period not exceeding 30 sitting days. The general terms of reference allow the committee to examine the individual's qualifications and competence to perform the duties of the position; the committee may also call the individual to appear before it

and has ten sitting days to complete its examination of the appointee or nominee. Finally, upon written application from the clerk of the committee, the office of the Minister who recommended the appointment will provide the committee with the *curriculum vitae* of the appointee or nominee.

Should the committee choose to report to the House, the Standing Orders do not oblige either the House or the Governor in Council to take any further action upon a favourable or unfavourable report.

#### 14.(j) Reports to the House

Committees make their views and wishes known by tabling reports in the House, reflecting the opinion of the majority of the committee. Separate minority reports may not be presented to the House, although a brief appendix containing dissenting or supplementary opinions or recommendations may be printed with any report after the chairman's signature.

Reports may deal with routine matters affecting the operations of a committee; for example, requesting the power to travel or recommending that the deadline set by the House for submitting the final report of the committee be extended. When a legislative committee has completed its study of a bill, it must report the bill with or without amendment. A standing committee studying estimates may present a report, usually limited to a brief statement indicating that it has examined the estimates and is returning them to the House as agreed to, reduced, or negatived. Finally, a committee, following the completion of an inquiry, usually tables a detailed report containing its findings and recommendations.

The Standing Orders allow a committee to request that the Government table a comprehensive response to its report within 150 calendar days of the presentation of the report.

#### 14.(k) Concurrence

On occasion, the committee instructs its chairman to seek the concurrence of the House in its report (usually for reports dealing with the operation of a committee). However, any Member of the House may move a motion for concurrence in a committee report. A notice of such a motion must be submitted in writing 48 hours before it may be considered by the House during Routine Proceedings. (Motions to concur in the reports of committees charged to prepare and bring in bills are discussed in Chapter 11.)

## 15. PRIVATE MEMBERS' BUSINESS

Bills (either public or private) and motions (including motions for papers) sponsored by Members not of the Ministry are considered on Mondays from 11:00 a.m. until 12:00 noon, on Tuesdays, Wednesdays and Thursdays from 5:30 p.m. until 6:30 p.m., and on Fridays from 1:30 p.m. until 2:30 p.m. and constitute Private Members' Business. (Because private bills are considered in a somewhat different manner than other items, they are dealt with separately in Chapter 11.)

### Notice

A private Member's public bill requires 48 hours' notice before the Member may ask for leave of the House to introduce the bill. Thereafter, the bill is read a first time and printed, but two weeks must elapse before a motion for second reading and reference to a committee may be moved during Private Members' Business.

A private Member's motion, having first appeared in the *Notice Paper*, requires two weeks before it may be moved during Private Members' Business.

The procedure for motions for papers is somewhat different. When a Member's "Notice of Motion for the Production of Papers" is called after Routine Proceedings on Wednesdays, either the Government or the Member may request that the motion be transferred to "Notices of Motions (Papers)" for debate, whereupon it is included among the items considered under Private Members' Business.

### The Draw

The Standing Orders provide that the House shall consider 30 items of Private Members' Business (an equal number of bills and motions), in the sequence established by a draw of Members' names at the beginning of a session and from time to time thereafter. These items constitute an "order of precedence" and appear in numerical sequence from 1 to 30 on the *Order Paper*. Those not placed in the order of

precedence also appear on the *Order Paper* in a separate list under "Items Outside the Order of Precedence". During the session, any Member may give notice of an item of Private Members' Business. After the notice period has been met, a bill must first be introduced, read a first time, printed and ordered for second reading, after which it is added to the list of "Items Outside the Order of Precedence"; if the item is a motion, it is added to the list immediately; if it is a motion for the production of papers, the item is included in this same list once it has been called on a Wednesday and transferred to "Notices of Motions (Papers)".

Orders concerning private bills and public bills originating in the Senate as well as orders for the consideration of any subsequent stages of a bill already considered during Private Members' Business are not affected by the draw, but are automatically placed at the bottom of the order of precedence.

At the beginning of each hour of Private Members' Business, the House considers the first item in the order of precedence. As noted below, most items are dropped from the order of precedence altogether after consideration for an hour; others, however, are retained in the order of precedence and, after first consideration, are placed at the bottom of the list to await their turn for subsequent consideration. When the number of items has been reduced to no fewer than 15, another draw is conducted of Members' names so that new bills or motions from the "Items Outside the Order of Precedence" may be selected to bring the number of items within the order of precedence up to 30 again.

### Standing Committee on Procedure and House Affairs

The Standing Orders provide that the Standing Committee on Procedure and House Affairs chooses a maximum of ten "votable" or "selected" items (five motions and five bills) from the 30 items in the order of precedence. As described in the following section, these selected items remain in the order of precedence and eventually must come to a vote.

In selecting these items, the Committee may hear the sponsor of each motion or bill in the order of precedence, and then proceeds *in camera* to make its final decision. A report is prepared, and the Committee's selection is deemed concurred in when such report is tabled in the House. In the First Session of the 33<sup>rd</sup> Parliament, the committee responsible for Private Members' Business developed certain criteria in selecting items of Private Members' Business which should come to a vote, and tabled this list in its Second Report to the House. In its Eighth Report, tabled in October 1987, the committee identified two additional criteria. The complete list is as follows:

1. Private Members' bills or motions may be of national, regional or local significance, highly contentious or non-controversial; but to be selected as "votable items", motions or bills must not be trivial or insignificant.
2. Bills or motions which appear to discriminate in favour of or against a certain area or region in the country should not be selected as "votable items".
3. Bills regarding electoral boundaries or constituency names should not be selected. The Committee feels that other avenues are available to Members without using up to five hours [reduced to three hours in April 1991] of Private Members' time allotted to "votable items".
4. The bill or motion should not require obvious amendment because it is substantially redundant with the law, is fundamentally ineffective to implement its own intent, is unclear in its meaning or is otherwise defective in its drafting.
5. The subject of the motion or bill should be different from specific matters already declared by the government to be on its legislative agenda.
6. Depending on the context of political issues and events, the number of times a topic has appeared in the House may be of significance.
7. All other factors being equal, lower priority should be given to motions which deal with matters which the House could address in some other way or through another procedure.

8. Motions couched in partisan terms should not be selected. The Committee believes that such language could have the effect of violating the spirit of reform of Private Members' Business if a division were required on a motion of this kind.
9. Bills will be set aside in this selection process if they are clearly unconstitutional in that they infringe upon provincial legislative authority, the Canadian Charter of Rights and Freedoms or other entrenched constitutional rules; or if they impede or are contrary to normal federal-provincial or international relations.
10. Bills or motions relating to a question that is substantially the same as a question already voted on by the House in the session should not be selected as "votable items".
11. Items relating to a question that is substantially the same as a question contained in an item already selected as a "votable item" in the session should not be selected.

### Allocation of Time in the House

An item not selected to come to a vote by the Procedure and House Affairs Committee is debated for up to one hour and then dropped from the *Order Paper*. A selected or "votable" item, if not otherwise disposed of after its first consideration, is placed at the bottom of the order of precedence, where it moves toward the top as each item above it is considered in order during successive Private Members' Hours. Once it reaches the top again, it is debated for a second time and, if not otherwise disposed of, returns to the bottom of the list. After a selected item has thus been the object of debate for a maximum of three hours, it must come to a vote.

The procedure for motions for papers varies in two ways from that for other items of Private Members' Business. Such motions, if drawn for inclusion on the order of precedence, need not be selected as "votable" items, since the Standing Orders specify that they must receive a total of one hour and forty minutes of consideration, at the end of which time the Speaker puts the question. Thus, after being considered once



during Private Members' Hour, a motion for papers is not, as other non-selected items are, dropped from the *Order Paper*. Rather, the motion is placed at the bottom of the order of precedence, and when it reaches the top, is considered a second time. If the time taken for the first and second consideration totals one hour and forty minutes, the Speaker puts the question.

When a selected item which is a motion eventually comes to a vote, the House concludes by rendering its opinion, and the motion is either agreed to or negatived. If the selected item is a public bill, the vote is on second reading and reference to a committee. If negatived, the bill is dropped from the *Order Paper*; if agreed to, it is referred to a committee for clause-by-clause consideration and possible amendment. (The Standing Orders impose no limit on the time for consideration in committee.) When the bill is reported back to the House, it is placed at the bottom of the order of precedence and considered at report stage when it reaches the top. The procedure for private bills varies only slightly from that for public bills.

If the bill is not otherwise disposed of after the first consideration at report stage, it drops once more to the bottom of the order of precedence until it reaches the top again and is considered a second time. Fifteen minutes before the end of the time provided for this second consideration, all questions necessary to dispose of the bill at report stage and third reading are put, and the bill is either sent to the Senate for its consideration (if the bill originated in the House), or for Royal Assent (if the bill originated in the Senate) or, if defeated, is dropped from the *Order Paper*.

The Standing Orders provide that debate during the first consideration at report stage may, on motion, be extended by five hours on the second day if the House agrees. However, such a motion is deemed withdrawn if fewer than 20 Members rise to support it.

### Exchange of Items

A Member whose motion or bill is scheduled for consideration during Private Members' Hour and who is unable to be present that day to move the motion or motion respecting the bill may notify the Speaker in writing 48 hours in advance. The

Standing Orders then authorize the Speaker, with the permission of the Members involved, to arrange an exchange with another item on the order of precedence. Private Members' Hour then proceeds as usual. Should such an exchange be impossible, Private Members' Hour is suspended for that day, and the House simply continues with whatever business was previously before it. In the event that a Member whose item of Private Members' Business is scheduled for that day does not or cannot provide the 48 hours' notice that he or she will be absent, Private Members' Hour is suspended and the House reverts to the business previously before it. The scheduled item is dropped to the bottom of the order of precedence. Whenever Private Members' Business is suspended or not taken up on a Monday, this time will be used for the consideration of Government Orders.

### Suspension of Private Members' Hour

Private Members' Business is considered five times a week for one hour each day. Aside from those instances already referred to whereby the consideration of Private Members' Business is suspended, the Standing Orders specify certain other occasions for the suspension of these proceedings namely:

- on any day designated for resuming debate on the Address in Reply to the Speech from the Throne;
- during any Emergency Debate on a Friday;
- on any day prior to the establishment of an order of precedence for Private Members' Business;
- on any day when a Minister moves a motion and debate subsequently takes place on a matter the Government considers to be of an urgent nature;
- on any day where the beginning of Private Members' Business is delayed or Private Members' Business Hour is interrupted such that the delay or interruption continues past 30 minutes after the time at which Private Members' Business Hour would normally have ended;

- on the last allotted day of the supply period ending June 23 (except if it should fall on a Monday); and
- during any day for resuming debate on the Budget motion.

Finally, as much of Private Members' Hour as is necessary is suspended on days when the House continues to sit past the normal time for Routine Proceedings in order to complete "Introduction of Government Bills".

In summary, a *non-votable* motion or bill is debated during Private Members' Business for up to one hour and then dropped from the *Order Paper*. A *votable motion* can be debated for up to three hours before coming to a vote. A *votable bill* can be debated for up to three hours at second reading and then, if agreed to, is referred to committee. Upon its return to the House, it can have up to two hours of debate or, on motion to extend, up to seven hours of debate at report stage and third reading. The Standing Orders provide for the interruption of proceedings "not later than fifteen minutes before the end of the time provided for the consideration thereof" so that all questions can be put forthwith.

## 16. HOUSE OF COMMONS PUBLICATIONS

The daily business of the House of Commons involves the regular distribution of a number of items in both official languages. Collectively referred to as House of Commons' documents, these items are available in printed format and/or by electronic means. In brief, these documents are described as follows:

**Journals:** Based on the "Scroll" prepared by the Clerk of the House, the *Journals* are the official record of House decisions and other transactions (e.g., petitions presented, readings of bills, references to committees, etc.). Published weekly, one issue of the *Journals* contains the minutes of approximately one week of House sittings.

**Debates:** The *Official Report of Debates* (or "Hansard") is substantially a verbatim report of the House proceedings, published after each sitting day. When final corrections have been made to the daily *Debates*, a number of the daily reports are compiled and made available on CD ROM. Daily versions of the *Debates* are also available for consultation internally on PubNet and externally on the Internet (<http://www.parl.gc.ca>).

**Order Paper and Notice Paper:** This is the official agenda of the House of Commons, published for each sitting day, listing all items that may be brought forward for that particular day.

**Projected Order of Business:** This paper is a brief, unofficial outline of the anticipated order of business of the House for a particular sitting day. As well as listing the order of business and the motions to be debated, it notes the length of time Members may speak and any special order attached to an item of business. It is published for each sitting of the House and is subject to change without notice.

**Status of House Business:** Published and distributed to Members at the beginning of an adjournment period, this document, as its name indicates, provides cumulative information about the respective stages all public or private bills have reached by that time, as well as information about the status of all motions and written questions before the House.

***Minutes of Proceedings and Evidence:*** The *Minutes of Proceedings* of each legislative, standing, special and joint committee are published in a committee issue, normally containing minutes of several meetings. The issue includes a record of all decisions taken by the committee (similar to the *Journals* in the House) and may contain the text of reports the committee presents to the House. Another item, entitled *Evidence*, contains a transcript of any public proceedings of the committee (similar to *Debates* in the House) and is available internally on PubNet and externally on the Internet (<http://www.parl.gc.ca>).

***Indexes:*** Throughout the session, comprehensive, cumulative, cross-referenced indexes are prepared for most House of Commons' documents.

***Bills:*** Bills proposed by Private Members are, upon request, drafted with the help of Legislative Counsel. As draft Acts of Parliament, all bills are published and circulated under the authority of the House. Government public bills are drafted by the Justice Department.

## 17. PROROGATION AND DISSOLUTION

### Prorogation

Prorogation ends a session, but does not dissolve Parliament; the Speaker is still in office for all purposes during a period of prorogation. Prorogation, like dissolution, abolishes all pending legislation and quashes further committee activity. Thus, no committee can sit after a prorogation and any bill of a previous session, in order to be proceeded with, must be introduced again as a new bill. It is possible, however, with the agreement of the House, to reintroduce bills in the new session at the same stage they had reached in the old session and to revive committee work in a similar manner. Members retain certain privileges which can be invoked 40 days before a session opens and which continue 40 days after a session ends.

While pending legislation is abolished by prorogation, any outstanding Orders or Addresses of the House for returns or papers are not; rather, they are brought down during the following session without renewal of the Order. The same is true, for example, for government responses to committee reports where requested, and for responses to petitions. These Orders are in force from one session to another, but are ended by dissolution.

The recent practice of the House is to avoid a lengthy period of prorogation simply by adjourning, then reassembling, proroguing and almost immediately commencing a new session. Parliament can be prorogued through a speech by the Governor General in the Senate Chamber, although this is merely a convention and not required by Standing Order or statute.

The ceremony of prorogation occurs in the following manner: by letter, the Secretary to the Governor General usually informs the Speaker of the House of prorogation, thus enabling the Speaker to announce it to the House beforehand. At the time appointed, the Gentleman Usher of the Black Rod arrives from the Senate, knocks on the door of the Commons Chamber and enters to inform the House that the Governor General (or the Governor General's representative) desires its attendance in the Senate Chamber. The Speaker, in formal parade with the Clerks, the Sergeant-at-

Arms bearing the Mace, and the Members, stands at the bar of the Senate Chamber to hear the speech closing the session. On completion of the speech, the Speaker of the Senate reads out a message setting the date for the new session. The Speaker of the House then returns in formal parade to his or her chambers and the Members of the House of Commons disperse.

Between a prorogation and the next session of the same Parliament, the House is said to be "in recess", although the word is often loosely used to refer to a long adjournment. "Adjournment", however, is technically the termination by the House of its own sitting (by motion or pursuant to Standing or Special Orders) for any period of time within a session. Unlike dissolution and prorogation, adjournment does not quash all pending proceedings. At the next sitting, the House transacts the business previously appointed and all proceedings resume at the stage at which they were left before the adjournment.

## Dissolution

Dissolution terminates a Parliament and is followed by a general election, the date of which is set by the Governor in Council, with the *Constitution Act, 1982* providing that Parliament must sit at least once every 12 months.

Dissolution is proclaimed by the Governor General on the advice of the Prime Minister. In the absence of such advice, dissolution is automatic following the expiration of a Parliament's maximum five-year term. As a matter of interest, however, this has not yet occurred in Canadian parliamentary history. Parliament may be dissolved at any time. If the House is sitting, and there is not to be a prorogation ceremony, dissolution is usually announced to the House by the Prime Minister or some other Minister of the Government. If the House is not sitting, Parliament is dissolved by a proclamation of the Governor General. Upon dissolution, the Speaker continues in office beyond termination of the Parliament and is deemed to be Speaker for the execution of certain administrative duties until a Speaker is elected by the new Parliament.

## 18. RECALL OF THE HOUSE

### During Adjournment

Standing Order 28(3) states: "Whenever the House stands adjourned, if the Speaker is satisfied, after consultation with the Government, that the public interest requires that the House should meet at an earlier time, the Speaker may give notice that being so satisfied the House shall meet, and thereupon the House shall meet to transact its business as if it had been duly adjourned to that time. In the event of the Speaker being unable to act owing to illness or other cause, the Deputy Speaker, the Deputy Chairman of Committees or the Assistant Deputy Chairman of Committees shall act in the Speaker's stead for all the purposes of this section."

It is important to note that the Standing Order says nothing about urgent matters; the only criterion is "the public interest". A request to recall the House may be made at any time, whether during the weekend, the day after adjournment or the day before the session is to resume.

When the Speaker agrees to recall the House, he or she advises the Clerk of the House and requests that the necessary steps be taken for resumption of the session. The Journals Branch undertakes the logistical aspects of the recall, including informing the Members.

### During Prorogation

Early recall of the House and Senate during a prorogation is done by the Governor General's proclamation on the advice of the Prime Minister. The new session would then commence and be conducted in the same manner as an ordinary session. It is also possible to prorogue during adjournment and then recall the House and Senate by proclamation.



## Publication of a *Special Order Paper and Notice Paper*

Standing Order 55(1) states: "In the period prior to the first session of a Parliament, during a prorogation or when the House stands adjourned, and the government has represented to the Speaker that any government measure or measures should have immediate consideration by the House, the Speaker shall cause a notice of any such measure or measures to be published on a special *Order Paper* and the same shall be circulated prior to the opening or the resumption of such session. The publication and circulation of such notice shall meet the requirements of Standing Order 54 [respecting notice]".

If the Government wishes to give special notice of any measure it wishes to consider when the House re-opens, it must write to the Speaker to request publication of a special *Order Paper and Notice Paper*, since nothing may be considered without a 48 hour prior notice. The House uses the same order of business as in the regular session. Unless a motion for adjournment to a later date is moved and carried after consideration of the measure that led to the recall, or both Chambers are adjourned or prorogued again, the House continues to sit regularly on a day-to-day basis as if no adjournment or prorogation had taken place.

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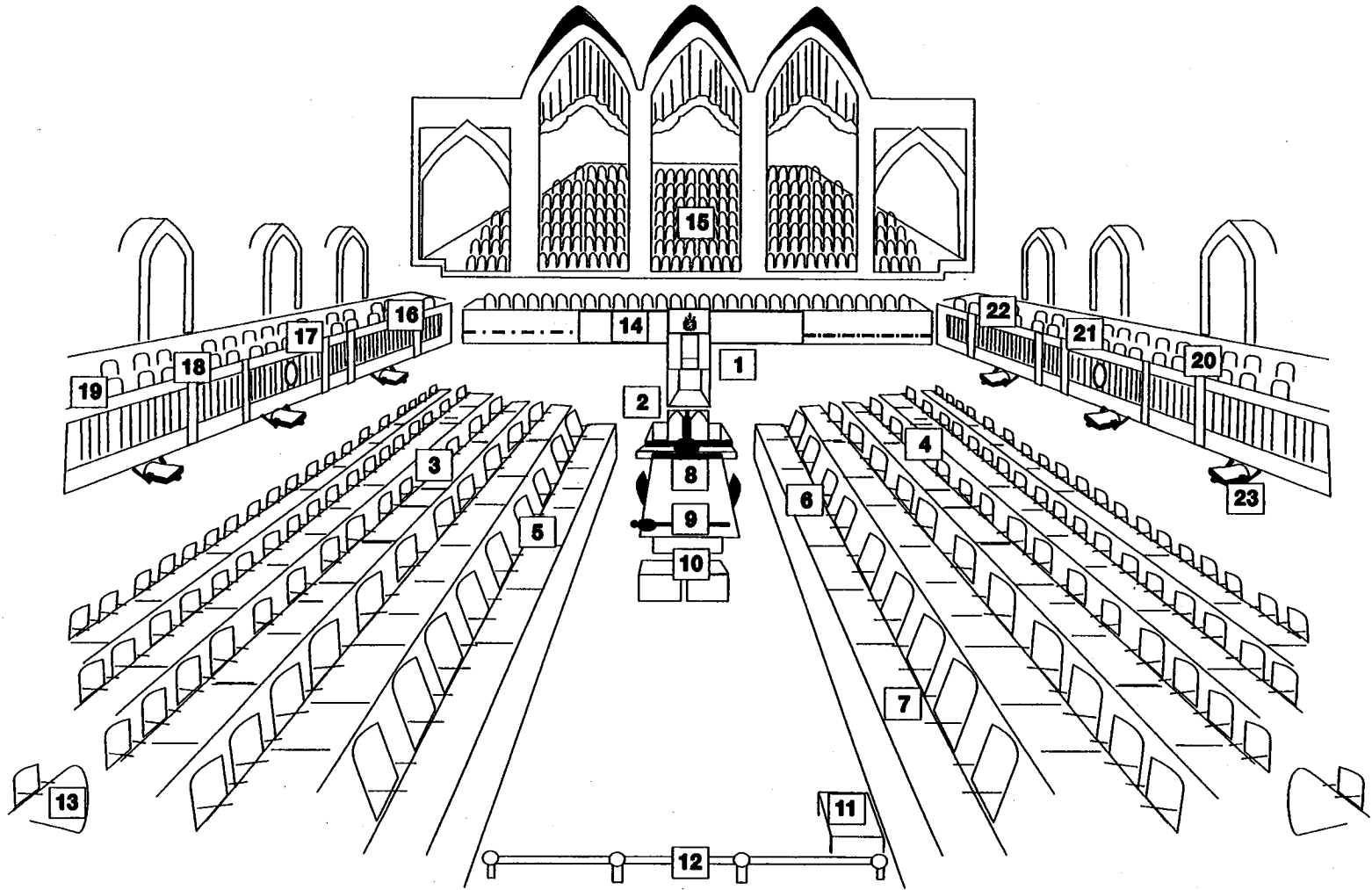
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## The House of Commons Chamber

- |   |                        |   |
|---|------------------------|---|
| 1. Speaker  | 9. The Mace            | 17. Leader of the Official Opposition's Gallery |
| 2. Pages  | 10. Hansard Reporters  | 18. Members' Gallery                            |
| 3. Government Members                               | 11. Sergeant-at-Arms   | 19. Members' Gallery                            |
| 4. Opposition Members                               | 12. The Bar            | 20. Members' Gallery                            |
| 5. Prime Minister                                   | 13. Interpreters       | 21. Speaker's Gallery                           |
| 6. Leader of the Official Opposition                | 14. Press Gallery      | 22. Senate Gallery                              |
| 7. Leader of the second largest party in Opposition | 15. Public Gallery     | 23. Television Cameras                          |
| 8. Clerk and Table Officers                         | 16. Officials' Gallery |   |



## PARLIAMENTS SINCE 1867

PARLIAMENT	SESSION	OPENING	PROROGATION	DISSOLUTION
<b>1st Parliament</b>	1st	06-11-1867	22-05-1868	08-07-1872
	2nd	15-04-1869	22-06-1869	
	3rd	15-02-1870	12-05-1870	
	4th	15-02-1871	14-04-1871	
	5th	11-04-1872	14-06-1872	
<b>2nd Parliament</b>	1st	05-03-1873	13-08-1873	02-01-1874
	2nd	23-10-1873	07-11-1873	
<b>3rd Parliament</b>	1st	26-03-1874	26-05-1874	16-08-1878
	2nd	04-02-1875	08-04-1875	
	3rd	10-02-1876	12-04-1876	
	4th	08-02-1877	28-04-1877	
	5th	07-02-1878	10-05-1878	
<b>4th Parliament</b>	1st	13-02-1879	15-05-1879	18-05-1882
	2nd	12-02-1880	07-05-1880	
	3rd	09-12-1880	21-03-1881	
	4th	09-02-1882	17-05-1882	
<b>5th Parliament</b>	1st	08-02-1883	27-05-1883	15-01-1887
	2nd	17-01-1884	19-04-1884	
	3rd	29-01-1885	20-07-1885	
	4th	25-02-1886	02-06-1886	
<b>6th Parliament</b>	1st	13-04-1887	23-06-1887	03-02-1891
	2nd	23-02-1888	22-05-1888	
	3rd	31-01-1889	02-05-1889	
	4th	16-01-1890	16-05-1890	
<b>7th Parliament</b>	1st	29-04-1891	30-09-1891	24-04-1896
	2nd	25-02-1892	09-07-1892	
	3rd	26-01-1893	01-04-1893	
	4th	15-03-1894	23-07-1894	
	5th	18-04-1895	22-07-1895	
	6th	02-01-1896	23-04-1896	
<b>8th Parliament</b>	1st	19-08-1896	05-10-1896	09-10-1900
	2nd	25-03-1897	29-06-1897	
	3rd	03-02-1898	13-06-1898	
	4th	16-03-1899	11-08-1899	
	5th	01-02-1900	18-07-1900	

PARLIAMENT	SESSION	OPENING	PROROGATION	DISSOLUTION
<b>9th Parliament</b>	1st	06-02-1901	23-05-1901	29-09-1904
	2nd	13-02-1902	15-05-1902	
	3rd	12-03-1903	24-10-1903	
	4th	10-03-1904	10-08-1904	
<b>10th Parliament</b>	1st	11-01-1905	20-07-1905	17-09-1908
	2nd	08-03-1906	13-07-1906	
	3rd	22-11-1906	27-04-1907	
	4th	28-11-1907	20-07-1908	
<b>11th Parliament</b>	1st	20-01-1909	19-05-1909	29-07-1911
	2nd	11-11-1909	04-05-1910	
	3rd	17-11-1910	29-07-1911	
<b>12th Parliament</b>	1st	15-11-1911	01-04-1912	06-10-1917
	2nd	21-11-1912	06-06-1913	
	3rd	15-01-1914	12-06-1914	
	4th	18-08-1914	22-08-1914	
	5th	04-02-1915	15-04-1915	
	6th	12-01-1916	18-05-1916	
	7th	18-01-1917	20-09-1917	
<b>13th Parliament</b>	1st	18-03-1918	24-05-1918	04-10-1921
	2nd	20-02-1919	07-07-1919	
	3rd	01-09-1919	10-11-1919	
	4th	26-02-1920	01-07-1920	
	5th	14-02-1921	04-06-1921	
<b>14th Parliament</b>	1st	08-03-1922	28-06-1922	05-09-1925
	2nd	31-01-1923	30-06-1923	
	3rd	28-02-1924	19-07-1924	
	4th	05-02-1925	27-06-1925	
<b>15th Parliament</b>	1st	07-01-1926	02-07-1926	02-07-1926
<b>16th Parliament</b>	1st	09-12-1926	14-04-1927	30-05-1930
	2nd	26-01-1928	11-06-1928	
	3rd	07-02-1929	14-06-1929	
	4th	20-02-1930	30-05-1930	
<b>17th Parliament</b>	1st	08-09-1930	22-09-1930	15-08-1935
	2nd	12-03-1931	03-08-1931	
	3rd	04-02-1932	26-05-1932	
	4th	06-10-1932	27-05-1933	
	5th	25-01-1934	03-07-1934	
	6th	17-01-1935	05-07-1935	

PARLIAMENT	SESSION	OPENING	PROROGATION	DISSOLUTION
<b>18th Parliament</b>	1st	06-02-1936	23-06-1936	25-01-1940
	2nd	14-01-1937	10-04-1937	
	3rd	27-01-1938	01-07-1938	
	4th	12-01-1939	03-06-1939	
	5th	07-09-1939	13-09-1939	
	6th	25-01-1940	25-01-1940	
<b>19th Parliament</b>	1st	16-05-1940	05-11-1940	16-04-1945
	2nd	07-11-1940	21-01-1942	
	3rd	22-01-1942	27-01-1943	
	4th	28-01-1943	26-01-1944	
	5th	27-01-1944	31-01-1945	
	6th	19-03-1945	16-04-1945	
<b>20th Parliament</b>	1st	06-09-1945	18-12-1945	30-04-1949
	2nd	14-03-1946	31-08-1946	
	3rd	30-01-1947	17-07-1947	
	4th	05-12-1947	30-06-1948	
	5th	26-01-1949	30-04-1949	
<b>21st Parliament</b>	1st	15-09-1949	10-12-1949	13-06-1953
	2nd	16-02-1950	30-06-1950	
	3rd	29-08-1950	29-01-1951	
	4th	30-01-1951	09-10-1951	
	5th	09-10-1951	29-12-1951	
	6th	28-02-1952	20-11-1952	
	7th	20-11-1952	14-05-1953	
<b>22nd Parliament</b>	1st	12-11-1953	26-06-1954	12-04-1957
	2nd	07-01-1955	28-07-1955	
	3rd	10-01-1956	14-08-1956	
	4th	26-11-1956	08-01-1957	
	5th	08-01-1957	12-04-1957	
<b>23rd Parliament</b>	1st	14-10-1957	01-02-1958	01-02-1958
<b>24th Parliament</b>	1st	12-05-1958	06-09-1958	19-04-1962
	2nd	15-01-1959	18-07-1959	
	3rd	14-01-1960	10-08-1960	
	4th	17-11-1960	29-09-1961	
	5th	18-01-1962	18-04-1962	
<b>25th Parliament</b>	1st	27-09-1962	05-02-1963	06-02-1963
<b>26th Parliament</b>	1st	16-05-1963	21-12-1963	08-09-1965
	2nd	18-02-1964	03-04-1965	
	3rd	05-04-1965	30-06-1965	

PARLIAMENT	SESSION	OPENING	PROROGATION	DISSOLUTION
<b>27th Parliament</b>	1st	18-01-1966	08-05-1967	23-04-1968
	2nd	08-05-1967	23-04-1968	
<b>28th Parliament</b>	1st	09-09-1968	22-10-1969	01-09-1972
	2nd	23-10-1969	07-10-1970	
	3rd	08-10-1970	16-02-1972	
	4th	17-02-1972	01-09-1972	
<b>29th Parliament</b>	1st	04-01-1973	26-02-1974	09-05-1974
	2nd	27-02-1974	09-05-1974	
<b>30th Parliament</b>	1st	30-09-1974	12-10-1976	26-03-1979
	2nd	12-10-1976	17-10-1977	
	3rd	18-10-1977	10-10-1978	
	4th	11-10-1978	26-03-1979	
<b>31st Parliament</b>	1st	09-10-1979	14-12-1979	14-12-1979
<b>32nd Parliament</b>	1st	14-04-1980	30-11-1983	09-07-1984
	2nd	07-12-1983	09-07-1984	
<b>33rd Parliament</b>	1st	05-11-1984	24-07-1986	01-10-1988
	2nd	30-09-1986	01-10-1988	
<b>34th Parliament</b>	1st	12-12-1988	28-02-1989	08-09-1993
	2nd	03-04-1989	12-05-1991	
	3rd	13-05-1991	08-09-1993	
<b>35th Parliament</b>	1st	17-01-1994	02-02-1996	
	2nd	27-02-1996		

## Speakers of the House of Commons since 1867

Speaker	Years in Office
1. James Cockburn	1867-1874
2. Timothy Warren Anglin	1874-1878
3. Joseph-Godéric Blanchet	1879-1882
4. George Airey Kirkpatrick	1883-1887
5. Joseph-Aldéric Ouimet	1887-1891
6. Peter White	1891-1895
7. James David Edgar	1901-1904
8. Thomas Bain	1899-1900
9. Louis-Philippe Brodeur	1901-1904
10. Napoléon-Antoine Belcourt	1904
11. Robert Franklin Sutherland	1905-1908
12. Charles Marcil	1909-1911
13. Thomas Simpson Sproule	1911-1915
14. Albert Sévigny	1916-1917
15. Edgar Nelson Rhodes	1917-1922
16. Rodolphe Lemieux	1922-1930
17. George Black	1930-1935
18. James Langstaff Bowman	1935
19. Pierre-François Casgrain	1936-1940
20. James Glen	1940-1945
21. Gaspard Fauteux	1945-1949
22. Ross Macdonald	1949-1953
23. René Beaudoin	1953-1957
24. Roland Michener	1957-1962
25. Marcel Lambert	1962-1963
26. Alan Macnaughton	1963-1966
27. Lucien Lamoureux	1966-1974
28. James Jerome	1974-1980
29. Jeanne Sauvé	1980-1984
30. Lloyd Francis	1984
31. John Bosley	1984-1986
32. John Fraser	1986-1994
33. Gilbert Parent	1994-

# HOUSE OF COMMONS CALENDAR

1996

## CALENDRIER DE LA CHAMBRE DES COMMUNES

Standing Orders 24(1) and 28

Articles 24(1) et 28 du Règlement

JAN.		JANV.		FEB.		FÉV.		MAR.		MARS																
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S						
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S						
	1	2	3	4	5	6					1	2	3						1	2						
	7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9					
	14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16					
	21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23					
	28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30					
																					31					
APRIL		AVR.		MAY		MAI		JUNE		JUIN																
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S						
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S						
		1	2	3	4	5	6				1	2	3	4						1						
	7	8	9	10	11	12	13	5	6	7	8	9	10	11	2	3	4	5	6	7	8					
	14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15					
	21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22					
	28	29	30					26	27	28	29	30	31		23	24	25	26	27	28	29					
																					30					
JULY		JUIL.		AUG.		AOÛT		SEPT.		SEPT.																
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S						
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S						
		1	2	3	4	5	6					1	2	3						1	2	3	4	5	6	7
	7	8	9	10	11	12	13	4	5	6	7	8	9	10	8	9	10	11	12	13	14					
	14	15	16	17	18	19	20	11	12	13	14	15	16	17	15	16	17	18	19	20	21					
	21	22	23	24	25	26	27	18	19	20	21	22	23	24	22	23	24	25	26	27	28					
	28	29	30	31				25	26	27	28	29	30	31	29	30										
OCT.		OCT.		NOV.		NOV.		DEC.		DÉC.																
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S						
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S						
			1	2	3	4	5					1	2						1	2	3	4	5	6	7	
	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14					
	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21					
	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28					
	27	28	29	30	31			24	25	26	27	28	29	30	29	30	31									

\* Possible extension of sittings (S.O. 27(1))

Note: Colored area indicates a sitting day.

\* Possibilité de prolongation des séances (Art. 27(1) du Règlement)

Nota: La surface de couleur indique les jours de séance.

Projected number of Sitting Days  
Nombre de jours de séance prévus : 135

# HOUSE OF COMMONS CALENDAR 1997

## CALENDRIER DE LA CHAMBRE DES COMMUNES

Standing Orders 24(1) and 28

Articles 24(1) et 28 du Règlement

JAN.		JANV.		FEB.		FÉV.		MAR.		MARS												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S		
			1	2	3	4		2	3	4	5	6	7	8		2	3	4	5	6	7	8
5	6	7	8	9	10	11	9	10	11	12	13	14	15	9	10	11	12	13	14	15		
12	13	14	15	16	17	18	16	17	18	19	20	21	22	16	17	18	19	20	21	22		
19	20	21	22	23	24	25	23	24	25	26	27	28	23	24	25	26	27	28	29			
26	27	28	29	30	31								30	31								
APRIL		AVR.		MAY		MAI		JUNE		JUIN												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S		
		1	2	3	4	5					1	2	3	1	2	3	4	5	6	7		
6	7	8	9	10	11	12	4	5	6	7	8	9	10	8	9	10	11	12	13	14		
13	14	15	16	17	18	19	11	12	13	14	15	16	17	15	16	17	18	19	20	21		
20	21	22	23	24	25	26	18	19	20	21	22	23	24	22	23	24	25	26	27	28		
27	28	29	30				25	26	27	28	29	30	31	29	30							
JULY		JUIL.		AUG.		AOÛT		SEPT.		SEPT.												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S		
		1	2	3	4	5						1	2			1	2	3	4	5	6	
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13		
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20		
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27		
27	28	29	30	31			24	25	26	27	28	29	30	28	29	30						
						31																
OCT.		OCT.		NOV.		NOV.		DEC.		DÉC.												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S		
			1	2	3	4						1			1	2	3	4	5	6		
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13		
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20		
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27		
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31					

\* Possible extension of sittings (S.O. 27(1))

Note: Colored area indicates a sitting day.

\* Possibilité de prolongation des séances (Art. 27(1) du Règlement)

Nota: La surface de couleur indique les jours de séance.

Projected number of Sitting Days : 134  
Nombre de jours de séance prévus

# HOUSE OF COMMONS CALENDAR

1998

## CALENDRIER DE LA CHAMBRE DES COMMUNES

Standing Orders 24(1) and 28

Articles 24(1) et 28 du Règlement

JAN.							JANV.							FEB.							FÉV.							MAR.							MARS																																																																																																																																																																																																																												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S																																																																																																																																																																																																																													
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S																																																																																																																																																																																																																													
					1	2	3						1	2	3	4	5	6	7							1	2	3	4	5	6	7								8	9	10	11	12	13	14							8	9	10	11	12	13	14							15	16	17	18	19	20	21							15	16	17	18	19	20	21							22	23	24	25	26	27	28							22	23	24	25	26	27	28							29	30	31											29	30	31																																																																																																																										
APRIL							AVR.							MAY							MAI							JUNE							JUIN																																																																																																																																																																																																																												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S																																																																																																																																																																																																																													
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S																																																																																																																																																																																																																													
						1	2	3	4					3	4	5	6	7	8	9						10	11	12	13	14	15	16						17	18	19	20	21	22	23						24	25	26	27	28	29	30						31													31																										1	2	3	4	5	6								7	8	9	10	11	12	13							14	15	16	17	18	19	20							21	22	23	24	25	26	27							28	29	30											28	29	30																																																																																							
JULY							JUIL.							AUG.							AOÛT							SEPT.							SEPT.																																																																																																																																																																																																																												
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S																																																																																																																																																																																																																													
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OCT.							OCT.							NOV.							NOV.							DEC.							DÉC.																																																																																																																																																																																																																												
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\* Possible extension of sittings (S.O. 27(1))

Note: Colored area indicates a sitting day.

\* Possibilité de prolongation des séances (Art. 27(1) du Règlement)

Nota: La surface de couleur indique les jours de séance.

Projected number of Sitting Days : 132  
 Nombre de jours de séance prévus : 132



**HOUSE OF COMMONS CALENDAR**  
**1999**  
**CALENDRIER DE LA CHAMBRE DES COMMUNES**

Standing Orders 24(1) and 28

Articles 24(1) et 28 du Règlement

JAN.		JANV.		FEB.		FÉV.		MAR.		MARS											
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	
					1	2	7	8	9	10	11	12	13	7	8	9	10	11	12	13	
3	4	5	6	7	8	9	14	15	16	17	18	19	20	14	15	16	17	18	19	20	
10	11	12	13	14	15	16	21	22	23	24	25	26	27	21	22	23	24	25	26	27	
17	18	19	20	21	22	23	28							28	29	30	31				
24	25	26	27	28	29	30															
31																					
APRIL		AVR.		MAY		MAI		JUNE		JUN											
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	
				1	2	3	2	3	4	5	6	7	8	6	7	8	9	10	11	12	
4	5	6	7	8	9	10	9	10	11	12	13	14	15	13	14	15	16	17	18	19	
11	12	13	14	15	16	17	16	17	18	19	20	21	22	20	21	22	23	24	25	26	
18	19	20	21	22	23	24	23	24	25	26	27	28	29	27	28	29	30				
25	26	27	28	29	30		30	31													
JULY		JUIL.		AUG.		AOÛT		SEPT.		SEPT.											
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	
				1	2	3	1	2	3	4	5	6	7				1	2	3	4	
4	5	6	7	8	9	10	8	9	10	11	12	13	14	5	6	7	8	9	10	11	
11	12	13	14	15	16	17	15	16	17	18	19	20	21	12	13	14	15	16	17	18	
18	19	20	21	22	23	24	22	23	24	25	26	27	28	19	20	21	22	23	24	25	
25	26	27	28	29	30	31	29	30	31					26	27	28	29	30			
OCT.		OCT.		NOV.		NOV.		DEC.		DÉC.											
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	
					1	2			1	2	3	4	5	6				1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11	
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18	
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25	
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31		
31																					

\* Possible extension of sittings (S.O. 27(1))

Note: Colored area indicates a sitting day.

\* Possibilité de prolongation des séances (Art. 27(1) du Règlement)

Note: La surface de couleur indique les jours de séance.

Projected number of Sitting Days : 137  
 Nombre de jours de séance prévus : 137

**HOUSE OF COMMONS CALENDAR**  
2000  
**CALENDRIER DE LA CHAMBRE DES COMMUNES**

Standing Orders 24(1) and 28

Articles 24(1) et 28 du Règlement

JAN.							JANV.							FEB.							FÉV.							MAR.							MARS						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S							
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S							
						1			1	2	3	4	5										1	2	3	4															
2	3	4	5	6	7	8	6	7	8	9	10	11	12	5	6	7	8	9	10	11	12	13	14	15	16	17	18														
9	10	11	12	13	14	15	13	14	15	16	17	18	19	19	20	21	22	23	24	25	19	20	21	22	23	24	25														
16	17	18	19	20	21	22	20	21	22	23	24	25	26	26	27	28	29	30	31	26	27	28	29	30	31																
23	24	25	26	27	28	29	27	28	29																																
30	31																																								
APRIL							AVR.							MAY							MAI							JUNE							JUIN						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S							
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S							
						1			1	2	3	4	5	6										1	2	3															
2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10	11	12	13	14	15	16	17														
9	10	11	12	13	14	15	14	15	16	17	18	19	20	18	19	20	21	22	23	24	18	19	20	21	22	23	24														
16	17	18	19	20	21	22	21	22	23	24	25	26	27	25	26	27	28	29	30	25	26	27	28	29	30																
23	24	25	26	27	28	29	28	29	30	31																															
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JULY							JUIL.							AUG.							AOÛT							SEPT.							SEPT.						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S							
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S							
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2	3	4	5	6	7	8	6	7	8	9	10	11	12	3	4	5	6	7	8	9	10	11	12	13	14	15	16														
9	10	11	12	13	14	15	13	14	15	16	17	18	19	17	18	19	20	21	22	23	17	18	19	20	21	22	23														
16	17	18	19	20	21	22	20	21	22	23	24	25	26	24	25	26	27	28	29	30	24	25	26	27	28	29	30														
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S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S							
D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S	D	L	M	M	J	V	S							
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23	24	25	26	27	28	29	26	27	28	29	30																														
30	31																																								

\* Possible extension of sittings (S.O. 27(1))

Note: Colored area indicates a sitting day.

\* Possibilité de prolongation des séances (Art. 27(1) du Règlement)

Nota: La surface de couleur indique les jours de séance.

Projected number of Sitting Days : 135  
Nombre de jours de séance prévus : 135

## DAILY ORDER OF BUSINESS

HOURS	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	HOURS
10:00 - 11:00		Routine Proceedings		Routine Proceedings	Government Orders	10:00 - 11:00
11:00 - 11:15	Private Members' Business (3)	----		----	Members' Statements	11:00 - 11:15
11:15 - 12:00					Oral Questions	11:15 - 12:00
12:00 - 1:00	Government Orders	Government Orders (2)	Review of Delegated Legislation (4)	Government Orders (2)	Routine Proceedings (1) ----	12:00 - 1:00
1:00 - 1:30					Government Orders (2)	1:00 - 1:30
1:30 - 2:00						1:30 - 2:00
2:00 - 2:15	Members' Statements	Members' Statements	Members' Statements	Members' Statements	Private Members' Business (3)	2:00 - 2:15
2:15 - 2:30	Oral Questions	Oral Questions	Oral Questions	Oral Questions		2:15 - 2:30
2:30 - 3:00						2:30 - 3:00
3:00 - 5:30	Routine Proceedings (1)	(1)	Routine Proceedings (1) ----	(1)		3:00 - 5:30
	Government Orders (2)	Government Orders (2)	Notices of Motions for the Production of Papers ----	Government Orders (2)		
5:30 - 6:30		Private Members' Business (3)	Private Members' Business (3)	Private Members' Business (3)		5:30 - 6:30
6:30 - 7:00	Adjournment Proceedings (2)	Adjournment Proceedings (2)	Adjournment Proceedings (2)	Adjournment Proceedings (2)		6:30 - 7:00

- (1) Possible extension of Routine Proceedings to complete Introduction of Government Bills pursuant to Standing Order 30(4).  
 (2) Possible extension or delay pursuant to Standing Order 33(2) respecting Ministerial Statements.  
 (3) Possible delay or rescheduling pursuant to Standing Order 30(7) to compensate for a delay or an interruption of more than 30 minutes, and pursuant to Standing Order 33(2) respecting Ministerial Statements.  
 (4) If required, House to sit at 1:00 p.m. for the review of Delegated Legislation pursuant to Standing Order 128(1).

For further information  
 contact the Journals Branch  
 (613) 992-2038

1994-06-10

## **LIST OF STANDING COMMITTEES OF THE HOUSE OF COMMONS**

### **STANDING COMMITTEES**

- Aboriginal Affairs and Northern Development
- Agriculture and Agri-Food
- Canadian Heritage
- Citizenship and Immigration
- Environment and Sustainable Development
- Finance
- Fisheries and Oceans
- Foreign Affairs and International Trade
- Government Operations
- Health
- Human Resources Development
- Human Rights and the Status of Persons with Disabilities
- Industry
- Justice and Legal Affairs
- National Defence and Veterans Affairs
- Natural Resources
- Procedure and House Affairs
- Public Accounts
- Transport

### **STANDING JOINT COMMITTEES**

- Library of Parliament
- Official Languages
- Scrutiny of Regulations

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prepared by the  
**Index and Reference Service**  
of the House of Commons

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**Amendments** *see* Address in Reply to Speech from the Throne; Bills; Budget; Motions

**Annual reports** *see* Committees

**Appointments** *see* Committee—Order in Council appointments

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