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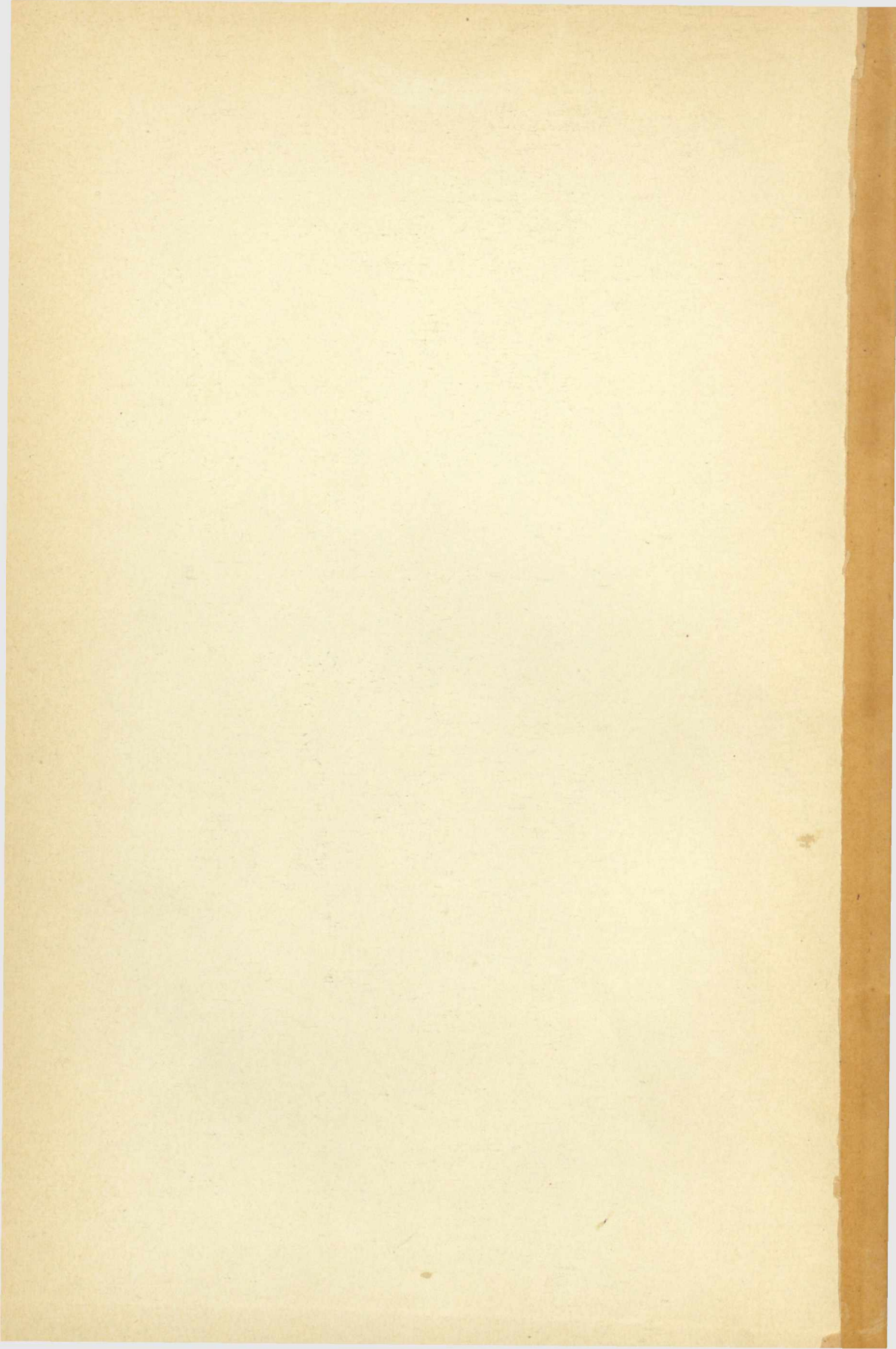
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REPORT OF THE SPECIAL COMMITTEE APPOINTED TO REVISE  
THE STANDING ORDERS OF THE HOUSE OF COMMONS

INTRODUCTION

Mr. Speaker, from the Special Committee appointed to assist him in revising the Standing Orders of the House of Commons, presented the First and Final Report of the said Committee, which is as follows:—

Your Committee, in the performance of the important duty assigned to it by the House, has taken into account the existence of general criticism of Parliament both by members and representative citizens. It has fully realized that much is expected of the House of Commons where the views of the people are finding expression and where industrial and economic conditions are demanding parliamentary attention and solution. The main question before the Committee was whether procedure should be amended so that the House may be able to do more legislative work in the time at its disposal and increase its efficiency as a critical and controlling assembly. Criticisms of Parliament seem to have been inadequately considered in relation to the whole structure of Parliament, the necessary party system and the complex situation created by a war which is now in its fifth year.

These criticisms arise from opinions concerning the functions of Parliament which are often based upon such misconceptions as the view that Parliament is primarily a Board of Directors with the Members of the Cabinet as its executive staff, and that Members, instead of endeavouring to reconcile as much as possible all the elements of public opinion, which is difficult in our diversified country, should rigidly consider every question on its own exclusive merits. Such however is not the true function of a legislative body composed of 245 members elected to discuss the management of public affairs. Debates may sometimes be lengthy but they bring home to the Administration the advisability or unpopularity of a particular line of policy and they must be heard because democratic government rests upon public opinion. Parliament is the assembly of representatives elected by the people where great issues are debated, or should be debated; it is not primarily a body of auditors charged with the inspection of departmental accounts. Freedom of speech is one of the inalienable privileges of Members of the House of Commons. It is in truth the privilege of their constituents and it is secured to Members not for their personal benefit but to enable them to discharge the functions of their office. Without it, the essence of the country's liberty does not exist.

The present procedure was devised to reflect the freedom of all the Members of the House, but we must realize that in wartime Parliament is bound to divest itself of some of its prerogatives in order to strengthen the Government's power. The principle of majority rule is a constitutional convention upon which all British Parliamentary Government is built but this must collapse in proportion as the principle of the protection of minorities begins to decay.

Rules are not sufficient to preserve freedom of speech and to uphold the dignity of the House of Commons. Standing Orders depend for their success upon the prevalence of good will amongst all members who have to work under them. The House must rely on the forbearance of its Members and on the general acquiescence in the enforcement by the Speaker of the rule which requires that Members should strictly confine themselves to matters immediately pertinent to the subject of debate. In a report presented to the United Kingdom House of Commons in 1931, the following statement appears:

Your Committee would urge that unless understanding and a common loyalty prevail there will be a danger of the collapse of the system of representative government. . . . If the principles of equality among mem-

bers, publicity of the House's proceedings, freedom of speech, majority rule, or the right of the minority to an adequate expression of opinion are consciously challenged, there is an indication of some serious defect in the life of the nation. These larger considerations cannot be regulated by rules and orders: they are the responsibility of each Member of the House.

Your Committee, in all its deliberations, has kept in mind the importance of not impairing the rights of minorities. Two fundamental principles govern the procedure of the House. They are, that the Government shall, so long as it can maintain a majority, be able to secure such legal powers as it considers necessary for administration, and that minorities, however small, shall be able to criticise that administration. Standing Orders must protect them, and it is all the more important that they be founded on right and justice because they are merely resolutions of the House which can be swept away by a majority vote. Your Committee is of the firm opinion that these rights cannot be alienated even if the House, in maintaining them, may protract sessions and lay itself open to severe criticism.

The suggestion that Estimates should be referred to Standing or Select Committees has been given earnest consideration and carefully reviewed. It strikes at the root of ministerial responsibility and it divests Members of the privilege of criticising from the floor of the House without advice, suggestion or influence of any kind, all departmental expenditures submitted by the Government. No proposals subversive of this settled rule of action can be safely embodied in any scheme for securing closer parliamentary control. One of the objections to this proposal is that if all the Estimates are referred to a Standing or Select Committee the motion for the Speaker to leave the Chair shall be abolished, which means fewer opportunities for private members to move amendments setting forth grievances or expressing want of confidence in the Government. The procedure required to keep this privilege unimpaired would reduce the efficiency of the Committee's functions and it would be so involved as to be misunderstood and hard to enforce. Certain Estimates may be occasionally referred to a Select Committee in order to ascertain facts which the House desires to know, but this practice should be adopted guardedly and only in very special circumstances. Your Committee does not think it would be advisable to change the present system and it believes that the elasticity of the present rules makes it possible to apply them in new situations from time to time. We, however, desire to submit that considerable time could be saved if the Committee of Supply sat oftener in the early part of the session. We therefore recommend that, when the yearly estimates have been brought down, one day a week be set aside for consideration of Supply. If this is done, the House is not likely to find itself under the necessity of passing a great part of the estimates in the dying days of the session.

The allotment of a certain number of days for the debates which appear to become protracted was considered. Your Committee was averse to multiplying rules of this character. There are already several restrictions which have been found necessary for parliamentary work and which are accepted in almost every elected assembly. We have recommended a few amendments but we feel that this House cannot go further in regulating its discussions. In spite of limitations now existing, every Resolution and Bill is given ample opportunities for debate in Committee of the Whole, Standing and Select Committees and on the second and third readings; but as the allotment of days, under a special rule, might prevent members from speaking, it should not be ordered under the authority of a Standing Order. Your Committee is not prepared to recommend such an innovation in our procedure which must be adapted to our own conditions and be thoroughly Canadian. Our recommendation is that, when there is reason

to believe that debate will be protracted, parties and groups recognized in the House shall confer and make arrangements either for allotting days or laying any plan for saving time whilst protecting freedom of speech for every representative of the people who sits in this House.

Your Committee did not think it advisable to take up at this time the question of the alleged suppression of initiative on the part of the private member. As the nation has been at war for over four years and Government business has been given precedence over private members' motions and bills, this is not the proper session to consider that part of our procedure. Conditions prevailing in wartime are such that private members' notices of motions and private Bills must give way to war measures. The order of business followed since 1940 has been based on resolutions which practically abolished private members' days. It is an exceptional situation and perhaps the House had better wait until normal conditions return before the private member's place in the House can be fully considered.

Rules of practice are necessary in the House of Commons as well as in any Court of Justice and other public institutions, but the multiplicity of Standing Orders dealing with the basic principles of parliamentary procedure ought not to be encouraged. There were no Standing Orders relating to public business in the United Kingdom House of Commons until 1707, and there were only three from 1715 to 1821—over a century. There are 95 to-day. We have 81, besides 10 dealing with the staff and 28 governing the library of Parliament. Your Committee is aware that members of this House are reluctant to impose restrictions on their freedom and independence, and that any attempt to translate procedure into precise rules will deprive them of the very quality which render them adaptable to new and varying conditions, or unusual combinations of circumstances, and might have the effect of restricting rather than safeguarding their privileges.

On Friday, the 25th of February last, speaking on behalf of your Committee, I asked members who may desire to place their views on procedure before your Committee to write to me or the Clerk of the House and I stated that their letters would be given every consideration. No suggestions have been received.

Your Committee does not recommend radical changes in the rules of the House, but it believes that practices, which have been followed for years by unanimous consent, ought to be permitted by Standing Orders. It is only by a process of evolution that the rules can be materially altered.

## AMENDMENTS

## AMENDED STANDING ORDER 9

The following amendments to the Standing Orders are recommended:—  
Standing Order 9 reads:

Upon a division, the yeas and nays shall not be entered upon the minutes, unless demanded by five members.

Proposed Amendment: That the following be added:

And every member present in the Chamber when the question is finally put by Mr. Speaker shall be obliged to vote, and if he does not vote Mr. Speaker shall call upon him to vote and his name shall be recorded accordingly. If he persists in not voting he may be named by Mr. Speaker for having violated a Standing Order of the House.

## AMENDED STANDING ORDER 12

Section (1) of Standing Order 12 reads:

Mr. Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House without debate. In explaining a point of order or practice, he shall state the Standing Order or authority applicable to the case.

Proposed amendment: That the following be added after the word "debate" in the fourth line:

provided no division shall take place thereon unless demanded by twenty members.

## AMENDED STANDING ORDER 31

Section (3) of Standing Order 31 relating to the motion to adjourn the House for the purpose of discussing a definite matter of urgent public importance reads:—

He (the Member) then hands a written statement of the matter proposed to be discussed to Mr. Speaker, who, if he thinks it in order, and of urgent public importance, reads it out and asks whether the Member has the leave of the House. If objection is taken, Mr. Speaker requests those members who support the motion to rise in their places and, if more than twenty members rise accordingly, Mr. Speaker calls upon the member who has asked for leave.

Proposed Amendment to be added as sub-section (g) of Section (6):—

There shall be no appeal from Mr. Speaker's decision as to the urgency of discussing the matter mentioned in the written statement submitted to him by the Member who proposes to move the adjournment of the House.



## STANDING ORDER 9

*Yeas and Nays*

There never was any Standing Order governing this matter in the Canadian House of Commons. The practice for many years was that a Member who remained seated during a division was often required by the Speaker to declare on what side he voted. If he persisted in not voting, neither the House nor the Speaker had authority to penalize him. In 1906, the United Kingdom House passed its Standing Order 29 which relieves Members of the obligation to vote; and our House seemed to have been so influenced by this new practice that our Speakers have hesitated to demand that all Members present when the question is put are bound to vote. The procedure was not uniform, which was not fair to Members who are entitled to know what are their rights in a matter of this kind. Under the new Standing Order, a Member who may have objections to vote one way or the other shall not be forced to do so against his will as he will be free to stay out of the Chamber when division takes place.

## STANDING ORDER 12

*Appeal from Speaker's Decision*

Under the present procedure, when Mr. Speaker has given a decision, any Member may rise and say: "I appeal from your decision." The question is then put on that appeal, and if five Members rise, a division has to take place. This amendment provides that, in the future, the House will only divide on the appeal if a division is demanded by twenty Members.

## STANDING ORDER 31

*Amendment motion for Special Purpose*

The object of this amendment is to bring the rule in conformity with the present practice of the House and several Speaker's decisions which have been invariably sustained. The theory is now accepted that the Speaker in declaring that there is no urgency to debate the matter brought to the attention of the House does not rule on a point of order. He takes the responsibility of deciding whether or not the question proposed to be discussed is of such national importance that it should be given precedence over the appointed proceedings of the House.

## AMENDED STANDING ORDER 37

Standing Order 37 reads:—

No member except the Prime Minister and the Leader of the Opposition, or a Minister moving a Government Order and the member speaking in reply immediately after such Minister, or a member making a motion of "No Confidence" in the Government and a Minister replying thereto, shall speak for more than forty minutes at a time in any debate.

Proposed Amendment: That the following be added as Section (2):—

Provided always that in the Committees of the Whole, Supply or Ways and Means, no member shall speak more than once on a particular motion, clause or item under consideration, and not more than twenty minutes continuously, but his right to ask questions relating to the subject-matter of the said motion, clause or item under consideration shall not be thereby restricted.

## AMENDED STANDING ORDER 40

Section (2) of Standing Order 40 reads:—

Mr. Speaker or the Chairman, after having called the attention of the House, or of the Committee, to the conduct of a member who persists in irrelevance, may direct him to discontinue his speech, and if the member still continues to speak, Mr. Speaker shall name him, or, if in Committee, the Chairman shall report him to the House.

Proposed Amendment: That the following words be inserted after the word "irrelevance": "or tedious repetition".

## AMENDED STANDING ORDER 43

Section (2) of Standing Order 43 reads:—

A reply shall be allowed to a member who has moved a substantive motion, but not to the mover of an amendment, the previous question or an instruction to a Committee.

Proposed Amendment: That the following be inserted after the word "motion": "or the second reading of a bill, and to a Minister of the Crown who has introduced a Government measure". The amended section will read:

A reply shall be allowed to a Member who has moved a substantive motion, or the second reading of a bill, and to a Minister of the Crown who has introduced a Government measure, but not to the mover of an amendment, the previous question or an instruction to a committee.

## AMENDED STANDING ORDER 44

Standing Order 44 regulates questions placed on the Order Paper, but does not deal with questions addressed to Ministers on the orders of the day being called.

The Committee proposes that the following be added as Section (5) of this Standing Order:—

A question of urgent character may be addressed orally to a Minister on the orders of the day being called, provided a copy thereof has been delivered to the Minister and to the Clerk of the House at least one hour

*Check  
Routen  
Proceeding*

## STANDING ORDER 37

*Speeches limited to 20 minutes*

When Mr. Speaker is in the Chair, a Member can only speak once, but there is no limit to the times of speaking when the House is in Committee. Under the present rule, a Member may make two or three forty-minute speeches during a sitting of the Committee which does not last longer than three hours at a time. This amendment provides for a more equitable apportionment of time and allows more Members to take part in the discussions.

## STANDING ORDER 40

*Question of Order in Debate*

Your Committee hopes that this addition will meet with the general approval of the House.

## STANDING ORDER 43

*Members not to speak twice in reply*

In recent years, the Ministers have had to obtain leave or unanimous consent in order to answer criticism and as no objection was ever taken to this course, the House may now regulate the practice by adopting this new rule.

## STANDING ORDER 44

*Questions of an urgent character answered orally*

The custom of asking questions before the orders of the day are proceeded with has taken such a development that it is now part of our parliamentary practice. It is neither possible nor advisable to do away with it. As it seems to meet the wishes of the majority of Members, the House may adopt this amendment so that the Speaker will in future be guided by a Standing Order when Members' rights in this connection are challenged.

before the meeting of the House. Such a question shall not be prefaced by the reading of telegrams, newspaper extracts, letters or preambles of any kind. The answer shall be oral and may be immediately followed by supplementary questions limited to three in number, without debate or comment, for the elucidation of the information given by the Minister.

#### AMENDED STANDING ORDER 49

Standing Order 49 reads:—

Only one amendment and one subamendment may be made to a motion for Mr. Speaker to leave the Chair for the House to go into Committee of Supply or Ways and Means.

Proposed amendment: "That the following words be inserted after the word 'motion': 'For the Address in Reply to the Speech from the Throne'", so that the Standing Order will read:

Only one amendment and one subamendment may be made to the motion for the Address in Reply to the Speech from the Throne and to the motion for the Speaker to leave the Chair for the House to go into Committee of Supply or Ways and Means.

#### AMENDED STANDING ORDER 60

Standing Order 60 reads:—

If any motion be made in the House for any public aid or charge upon the people, the consideration and debate thereof may not be presently entered upon, but shall be adjourned till such further day as the House thinks fit to appoint; and then it shall be referred to a committee of the whole House, before any resolution or vote of the House do pass thereupon.

Proposed Amendment: That the following be added at the end after the word "thereupon":—

provided that if the aid or charge is to be a subsidiary provision of a bill to be later introduced, the motion creating it shall be considered without the House resolving itself into Committee.

#### AMENDED STANDING ORDER 75

Standing Order 75 reads:—

Every public bill shall be read twice in the House before committal or amendment.

Proposed Amendment: That the following be added at the end of this Standing Order:—

with the exception of Divorce Bills passed in the Senate which shall be referred to the Standing Committee on Private Bills as soon as received from that House.

## STANDING ORDER 49

*Amendments to Address in Reply to Speech from the Throne*

The debate on the Address in Reply to the Speech from the Throne covers the whole ground of administration and is repeated when the budget is brought down. This debate has been abolished in the House of Assembly of South Africa where the following Standing Order is now in force: "Mr. Speaker shall report to this House the Governor General's Speech, and there shall be no debate on such report".

Your Committee felt that the House could not abolish this debate, but it realized that the scope of discussion was so wide and the question of relevancy almost nonexistent on this particular occasion that the freedom of speech of every Member, party or group would be fully preserved by limiting the number of amendments in the same way as on the motion for Committee of Supply. These two motions are in the same category, namely, they furnish occasions for airing grievances and making suggestions to the government.

## STANDING ORDER 60

*Motion imposing Public Aid or Charge*

Your Committee has reached the conclusion that there is an immense advantage in informing the Members of Parliament as to the nature of a money Bill upon the Committee stage of the discussion. The obligation to refer a Resolution to the Committee of the Whole is one of the traditional rules of British Parliaments, and though it may sometimes seem superfluous, there may be occasions when it will prevent obnoxious legislation. There can be no question of abolishing this part of our procedure, but there is no doubt in our minds that the Committee stage can be avoided when the charge created by a Bill is a subsidiary feature such as the payment of a staff or travelling expenses, the Bill should be introduced without the formality of a resolution and the Committee stage.

## STANDING ORDER 75

*Divorce Bills*

Under this new rule, divorce bills will come before the House only once. They will be thoroughly considered in the Committee on Private Bills prior to being submitted to the House. They are now mentioned three times before their second reading: first, when the message is read from the Senate; secondly, on first reading and thirdly on second reading. The object of the new rule is to avoid this unnecessary procedure.

Your Committee is of the opinion that divorce by legislation should not take place to such an extent that bills seeking it sometimes fill many pages of the order paper. The matter is not one that can be settled by Standing Orders. The whole question should be given full consideration with a view to eliminating divorce bills from Parliament, and your Committee strongly recommends that this be done as soon as conveniently possible.















