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Standing Committee on House Management

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The Standing Committee on House Management, pursuant to Standing Order 108(3)(a), has the honour to present its

XXX REPORT

INTRODUCTION

In the Speech from the Throne to open the current session of Parliament on May 13, 1991, the Governor General noted that there was a need for change in the way Parliament does business, and that the goal should be to ensure that Canadians' agenda is Parliament's agenda. He referred to the Special Committee on the Reform of the House of Commons, which proposed far-reaching reforms in 1984-85 to enhance the role of private Members, and other procedural reforms that have taken place. The Governor General continued:

> The respect of the people for Parliament and Parliamentarians is essential for a healthy democracy. But the appearance, and sometimes the reality, of excessive party discipline and over-zealous partisanship, of empty posturing and feigned outrage have eroded that respect in Canada. Members will be asked, therefore, to consider new procedures for assessing legislation, for raising grievances on behalf of constituents and for questioning government. This will further enhance the role of individual members and afford them greater independence.

The Citizens' Forum on Canada's Future (the Spicer Commission), which reported in June 1991, received a strong message from participants that they had lost faith in the political process. "They do not feel that their governments, especially at the federal level, reflect the will of the people, and they do not feel that citizens have the means at the moment to correct this. Many of them, especially outside Quebec, are prepared to advocate and to support substantial changes to the political system if these would result in a responsive and responsible political process, and in responsive and responsible political leaders." (*Report*, p.96) Participants supported much more use of free votes and the relaxation of party discipline, which is "perceived as a major constraint on the effectiveness of elected officials in representing constituents' views and in controlling a government agenda which may be out of touch with citizens' concerns." (p. 102)

The concern and anger at the process of government led participants to suggest an array of remedies, many of them new to, or rarely used in, our parliamentary system: referenda, impeachment, recall, proportional representation, free votes, an elected or abolished Senate, fixed or limited terms of office, the direct election of the prime minister, the convening of constituent assemblies. These proposals can be seen as part of the larger theme of ensuring responsiveness and accountability. As the Commission stated: "All originate in a desire for a more responsive and open political system, whose leaders — they think — are not merely accountable at election time but should be disciplined swiftly if they transgress greatly." (p. 135) The Commission concluded: "Obviously, there is a need for the political system to respond better. That need is at the heart of our country's problem. Politicians must prove that the system can be more responsive." (p. 135)

In its 1991 Constitutional Proposals, the federal Government addressed the question of the responsiveness of Canada's political institutions:

> Many Canadians have become concerned that our parliamentary system is too partisan: that it is weighted too heavily toward conflict, rather than cooperation. The abrasive character of adversarial debate in the House of Commons, particularly in Question Period, has undermined parliamentary decorum and the public's confidence in parliamentary institutions and the ability of elected members to focus on their legitimate representational requirements. A loss of confidence in the way the country's political business is conducted has even led to demands for the transfer of legislative power out of the hands of members of Parliament, through the use of referendums and plebiscites." (*Shaping Canada's Future Together*, p. 15)

The Government committed itself, in cooperation with all parties in the House of Commons, to explore ways and means to strengthen representational and legislative capacities of individual Members of Parliament, including the possibility of more free votes, and improving the openness and visibility of parliamentary procedures.

The Special Joint Committee of the House of Commons and the Senate on a Renewed Canada (the Beaudoin-Dobbie Committee) felt that the Government's commitment to further reform of the procedures and practices of the House of Commons does not involve changes to the Constitution. The Committee also noted that procedural reform cannot be brought about by the Government acting on its own: "By convention, House procedure is arrived at by consensus among the major political parties" (p. 40) although we note that this has not always been the case. The Committee recommended that a comprehensive review of the procedures and practices of the House of Commons should be addressed by the House itself. The Committee, however, noted:

> The legitimacy of the legislative institutions of our democratic parliamentary system is an indispensable component of Canadian renewal. In our view, the full range of options for the reform of the House of Commons needs to be explored, so that all Canadians can take pride in it as their effective voice at the centre of government, and feel for their House of Commons the unqualified respect they plainly desire to feel. (Report, p. 40)

Parliamentary reform is indeed an on-going process. The strength of Parliament as an institution is in its capacity to change and adapt to differing circumstances. Parliamentary practices and procedures need to be reviewed and re-assessed regularly. This is part of the constant evolution of parliamentary institutions, and their ability to adapt to changing circumstances. It is important that things not just be done a certain way because of inertia and tradition.

In recent months there has been a renewed interest in parliamentary reform. In part, this has been in response to perceived weaknesses in the parliamentary system, and concerns about its representativeness. In addition, procedural changes have sometimes had unanticipated implications, or highlighted other problems.

In response to the concerns about parliamentary procedure, the Standing Committee on House Management undertook a review of the procedures and practices of the House of Commons. Issues and areas of concern were solicited from all the members of the

Committee, and, through them, from the various parties in the House of Commons. The Committee spent a number of meetings in late 1991 discussing the whole issue of parliamentary reform, and the specific issues and concerns that had been raised. This was a very dynamic and useful exercise, and provided the basis for this report.

One of the things that became obvious to members early on was that a lot of the problems and complaints do not relate directly to procedure. Rather, many of them involve attitudes on the part of Members and lack of knowledge or awareness about their procedural rights and opportunities. Parliamentary procedure sets out the ground rules and provides the framework within which the House operates. It is up to the Members to make them work, and to achieve their objectives within the rules. Procedural rules cannot work by themselves: they are tools, not ends in themselves.

Part of the problem is that parliamentary procedure is often perceived as an arcane subject, one that few Members concern themselves with any more than they have to. The Committee believes that part of its role is to educate and inform all Members of the House about the opportunities that exist under the existing rules. The Committee approached its task on the basis that rule changes should be a last resort, and that we would not propose amendments merely for the sake of change. We did not want to duplicate all the work done by the McGrath Committee and its predecessors; and this is particularly true in areas where it is changes in attitudes that are most needed.

This is not to say that there are not areas where the Standing Orders need to be changed or clarified. Our parliamentary traditions and procedures have evolved from Great Britain. They have not, in all cases, kept up with changes in the role of the House. Procedural rules must reflect and be responsive to contemporary reality.

The House of Commons is a political institution, and no procedural changes can ignore this fundamental fact. Our political system is premised on political parties, although historically our rules have not recognized their existence. At the same time, it is important to remember that we are dealing with a parliamentary institution. A number of the ideas that have been bandied around would only work in a congressional system. Legislators perform a very different role in a system like that in the United States, and it would not be appropriate to uncritically transplant such procedures to the Canadian setting. This is not to say that we cannot learn from other political systems. As one member of the Committee expressed it, Members want to have the best of both the congressional and parliamentary systems, although this may not always be possible.

FREE VOTES

1. The Confidence Convention

The concept of "free votes" has been a constant theme in recent years. Various individuals and groups have criticized what they perceive as excessive party discipline in the House of Commons, arguing that this derogates from the ability of individual Members to

represent their constituents and regions in a meaningful way. Canadians want the feeling that their Members of Parliament have the opportunity to vote freely and they expect them to do it more often. The public seems to want Members to be more independent, and not to adhere to a party line blindly, particularly in situations where the interests and wishes of constituents may conflict with those of the Member's party or government.

The main constraints on free (or freer) votes are party discipline, personal reluctance, and other non-procedural issues. Traditionally, free votes have been constrained by the concept of "confidence" in the government, whereby the party forming the majority in the House of Commons must be able to demonstrate that the majority of the Members support it. This underlies our parliamentary system and concept of responsible government: the government must be able to demonstrate that it enjoys the support of a majority of the House of Commons. In a majority government situation, this is seldom a problem, except if the majority is very slim. In a minority government, however, or a period of political instability and change, the support may be less clear-cut.

One of the issues that was addressed by the Lefebvre and McGrath Committees was "the confidence convention." The McGrath Committee noted that the rarity of defeats of government measures in Great Britain (except in the minority situation of 1926) led rapidly to the development of a "constitutional myth" that every vote was a test of confidence. Any dissenting or "cross-voting" Members on the government side were seen to be placing the government in jeopardy or risking dissolution of the House. The McGrath Committee noted, however, that in recent years there has been a resurgence of cross-voting in the British House of Commons: between April 1972 and April 1979, there were sixty-five defeats of government measures. As the McGrath Committee concluded, "recent British experience makes it clear that at present losing a vote, even on a financial measure, is not automatically a matter of non-confidence entailing either resignation of the government or a dissolution of the Commons. The government can decide how to treat its loss." (*Third Report*, p. 7)

In the Canadian House, cross-voting has not been very prevalent, but it has occurred. The minority government of Lester Pearson lost three votes, after one of which defeats the government introduced and won a motion stating that the loss was not a vote of non-confidence. Between 1972 and 1974, the minority Trudeau government lost eight of 81 recorded votes, although it was only the last one which brought down the government.

The McGrath Committee felt that it was important that not every vote in the House be viewed as a matter of confidence. Private Members, public servants and political advisors should be informed that the House is to be allowed to determine some matters, and that not every detail of every measure will be regarded as a matter of confidence. The government should tell its Members what it can and cannot accept, and that unquestioned obedience to the ministerial line is not the only route for advancement in the party. A defeat in the House merely forces the government to abandon or modify its policies, which is seldom catastrophic. According to the Committee, a government can defer to the wishes of the House without sacrificing the principle of responsible government.

The McGrath Committee concluded: "Our examination of the confidence convention leads us to conclude that a necessary step in conceding greater independence to individual members is for governments to relax their discipline over their supporters, at least to the

extent of indicating in advance those measures and policies to which the confidence convention would apply." (*Third Report*, pp. 8-9) The McGrath Committee made a number of observations, which, while they had no legal status, serve as an indication of the direction in which the Committee felt the House should develop:

- A government should be careful before it declares or designates a vote as one of confidence. It should confine such declarations to measures central to its administration.
- While a defeat on supply is a serious matter, elimination or reduction of an estimate can be accepted. If a government wishes, it can designate a succeeding vote as a test of confidence or move a direct vote of confidence.
- Defeats on matters not essential to the government's program do not require it to arrange a vote of confidence, whether directly or on some procedural or collateral motion.
- Temporary loss of control of the business of the House does not call for any response from the government whether by resignation or by asking for a vote of confidence.
- In a Parliament with a government in command of a majority, the matter of confidence has really been settled by the electorate. Short of a reversal of allegiance or some cataclysmic political event, the question of confidence is really a fait accompli. The government and other parties should therefore have the wisdom to permit members to decide many matters in their own deliberative judgement. Overuse of party whips and of confidence motions devalues both these important institutions. (*Third Report*, pp. 9-10)

The McGrath Committee, like the Special Committee on Standing Orders and Procedure (the Lefebvre Committee) before it, recommended that matters of confidence should at all times be clearly subject to political determination, and that motions of no confidence should not be prescribed in the rules. Accordingly, the House removed references in the Standing Orders which described votable motions on allotted days as questions of confidence.

We believe that there is little more that can be done procedurally in order to allow more free votes. The removal of references to confidence in the Standing Orders means that the issue is a political one. As the Sixth Edition of Beauchesne's expresses it, "The determination of the issue of confidence in the government is not a question of procedure or order, and does not involve the interpretative responsibilities of the Speaker." (Alistair Fraser, et al., *Beauchesne's Parliamentary Rules and Forms*, Sixth Edition, 1989, citation 168(6), p. 49; see also citation 926)

Responsible government continues to be the hallmark of the Canadian political system, but the question of confidence is a political issue, and ultimately rests on public opinion and the legitimacy that drives therefrom. As a result of the McGrath Report, confidence is now something to be determined politically, not under the Standing Orders of the House. Each party has to make its own decisions as to whether and when free votes are to be allowed — it is not up to the House, or to other parties. There is no single definition of what constitutes a "free vote": one can see it in terms of a Member's conscience, a Member's role in reflecting majority opinion in his or her riding, whether the Member's party caucus has taken a position or decision on the issue or not.

There are Members who believe that in our political system, Members of the House of Commons are elected because they belong to a particular political party, and, therefore, they should accept the rules regarding party positions. Independent Members can vote freely, but it is unlikely that they will get elected. There are also significant concerns that the freeing up of the votes of Member will fundamentally change how Parliament operates. Some, for instance, have concerns that if free votes were more common, there would be a great deal more lobbying, which could have other implications. Others point out, however, that Members of Parliament are already lobbied all the time on various issues.

It is possible in our system for individual Members to vote against their party position. Whether one terms it "managed dissent" or not, it happens on a fairly regular basis, although such votes tend to be seen as dissent rather than free votes, and they often receive so much media coverage that others are inhibited from similar behaviour. Loosening party discipline, and modifying the confidence convention would require various players to act differently. The McGrath Committee said that "attitudinal changes are required on the part of governments, the leadership of parties, and private members themselves." (*Third Report*, p. 5)

Reform of party discipline also requires changes on the part of opposition parties, the media, and indeed the general public. Opposition parties tend to extract the maximum political advantage from defeats of government measures. They exploit dissension, arguing that this makes the party unfit to continue holding office, or necessitates the calling of an election. The media focus on Members who publicly disagree, often emphasizing the existence of dissent, rather than the reasons for the disagreement. To some extent, these reactions are the result of there being so little public disagreement and cross-party voting in Canada. If it occurred more frequently, it might lose its news value. By the same token, political parties can encourage their Members to vote more freely, by loosening party discipline, and assuring Members that no adverse consequences will result from dissenting publicly.

A Member has to carefully weigh and assess all of the factors and influences in making up his or her mind. The House of Commons is based on the existence of political parties. It is not a municipal council or school board where political parties are often non-existent or weak, and elections are held at regular intervals. It is also important to remember that in committees, where an increasing amount of work gets done, there is more than ample opportunity for Members to act independently, to stray from the party line, and vote more freely.

The Canadian parliamentary system does have extremely strong party discipline, one that is perhaps stronger than in many other systems. The Committee endorses the idea of freeing up voting in the House, but we hesitate to create unreasonably high expectations. It is not a procedural issue. Ultimately, it is up to individual Members and parties.

1. **The Committee recommends that Members of Parliament be made more aware of the confidence convention, and the observations of the McGrath Committee. In terms of government motions, only votes on motions clearly identified by the government as questions of confidence should be considered as such.**

2. *Allotted Days and Opposition Motions*

It is clear that both the Lefebvre and McGrath Committees were particularly concerned about the fact that the reference to confidence in the Standing Orders related to the status of votable motions moved by the opposition on allotted days, also known as "opposition days." The Standing Order which dealt with these "votable days" carried over a language of confidence that was more appropriate to motions concerning the former committee of supply that existed before the parliamentary reforms of 1968, when the estimates were dealt with by the whole House. Although the McGrath Report led to the removal of these inappropriate references to antecedent procedures, there continues to be confusion, and inappropriate application of the confidence convention to votable motions on opposition days.

Recently, the Government House Leader, the Hon. Harvie Andre, rose in the House and announced that a particular opposition day vote would not be considered a question of confidence by the government. This was a welcome initiative on the part of the Government. The Committee notes, however, that the McGrath Report could be interpreted as requiring that the Government only needs to rise and indicate when it wishes to deem a vote a matter of confidence; in other words, in the absence of any indication by the Government, it should be assumed that the vote will not be considered a test of confidence.

2. **The Standing Orders should be amended to expressly state that no vote on an opposition motion on an allotted day will be considered a vote of confidence unless the government expressly announces that it will treat it as such or the motion itself is explicitly worded as a vote of confidence.**

STATEMENTS UNDER STANDING ORDER 31

Standing Order 31 was introduced in 1982 as a means of enabling Members who are not cabinet ministers to speak for up to one minute on virtually any matter of national, provincial or local concern during the 15-minute period that precedes daily oral Question Period. The Standing Order provides an important opportunity for Members to voice and put on the record the concerns of their constituents, and to raise other important issues.

Standing Order 31 is intended for the benefit of individual Members, not for political parties. It should, of course, reflect to some extent the party standings in the House, but it is fundamentally a forum for Members. In keeping with our recommendations to diminish the control — and perceived manipulation — of parties, we believe that the use of party lists as to who should be called upon and in what order should be severely restricted.

3. **The Committee recommends that the use of lists be abolished for statements under Standing Order 31, provided that each recognized party may designate one Member who shall be the first speaker for such party.**

It is also important that Members not abuse the opportunities afforded them under Standing Order 31. This does all Members of the House a disservice, and reflects poorly on the House itself. Without lists, the Speaker will be in a better position to discipline individual Members who do not abide by the rules. The Speaker retains discretion over the acceptability of each statement under Standing Order 31.

4. The Committee recommends that the time limits regarding statements pursuant to Standing Order 31 be strictly observed and enforced, so as to enable as many Members as possible to avail themselves of this opportunity, and to keep the statements within the intent of the rule.

QUESTION PERIOD

There seems to be general agreement that Question Period in the House of Commons needs to be changed – not to protect the government or impede the opposition, but to improve the role and importance of this daily accountability session. To change Question Period requires a package of reforms, addressing the concerns of all the participants. The Canadian public finds the shenanigans that sometimes accompany Question Period immature and unproductive. More than anything, it is this perception of Question Period that has led to the erosion of respect for the political process and cynicism about Parliament and politicians.

1. Revised Guidelines for Question Period

There is very little in the Standing Orders of the House that regulate Question Period. Most of the rules or guidelines are gathered together in *Beauchesne's Parliamentary Rules and Forms*, the bible of Canadian parliamentary procedure. These have been gleaned by the editors from various Speakers' rulings over the years, British traditions and texts, and so forth. The trouble is that some of them are so out of touch with reality that the whole list is thrown into disrepute. Moreover, the rules are honoured in the breach more often in their observance, which leads to frustration and cynicism on the part of Members and observers. More importantly, there needs to be a tightening up of the rules, and they have to be enforced strictly, as well as wisely.

5. The Committee recommends that the following guidelines governing Question Period be adopted by the House of Commons, and enforced by the Speaker.

1. **Questions should be on important matters. They should not be frivolous, trivial, vague or meaningless.**

2. **Questions and answers should not be unduly argumentative. Members should at all times treat other Members with respect. A question must adhere to the proprieties of the House in that it must not contain inferences, impute motives, or cast aspersions upon persons within the House or out of it. Questions should not reflect on the character or conduct of the Speaker, Members of either House of Parliament, members of the judiciary, or the Sovereign or Royal Family. Questions should not refer discourteously to a friendly foreign country.**

3. **Questions should not be unduly repetitive. A question that has previously been answered ought not to be asked again, although this does not mean that questions on the same point are out of order.**

4. **Questions and answers should be brief. A question should not be of a nature requiring a lengthy and detailed answer, nor should it raise a matter of policy too large to be dealt with as an answer to a question. A reply to a question should be as short as possible, relevant to the question asked, and should not provoke debate.**

5. **The facts on which a question is based may be set out as briefly as practicable. A preamble, if any, should be short and to the point.**

6. **A question must relate to a matter within the administrative responsibility and constitutional jurisdiction of the Government of Canada. A minister to whom a question is directed is responsible only for his or her present portfolio(s), and not for previous portfolios or party responsibilities.**

7. **A question is out of order if it deals with a matter that is before a court. In civil matters, however, this restriction will not apply unless and until the matter is at trial. Questions should not inquire as to legal advice received by a Minister.**

8. **A question is out of order if it seeks information about matters which are in their nature secret or confidential such as the proceedings of cabinet. It is, however, in order to ask if a certain matter has been considered by cabinet. Questions should not seek information set forth in documents equally accessible to questioners.**

9. **If a question is ruled out of order, no answer should ordinarily be allowed, and the Speaker should move on to the next questioner.**

10. **A Minister may decline to answer a question without stating the reason for his or her refusal. Insistence on an answer is out of order. A refusal to answer cannot be raised as the basis of a question of privilege.**

11. **The government decides who shall answer a question. The Prime Minister answers for the government as a whole and is entitled to answer any question relating to any ministerial portfolio or matter of policy, and may delegate this responsibility to the Deputy Prime Minister even when the Prime Minister is present in the House.**

2. *More Questions and Answers*

Many Members have argued that Question Period needs to be reformed so as to enable more questions to be asked, and more answers given. This could be achieved in part by reducing the length of both questions and answers. As noted above, preambles to questions should be short and to the point. Members are supposed to ask questions, rather than deliver speeches. By the same token, the answers of Ministers should be brief, and relevant. The responsibility for ensuring that Members on both sides of the House respect the rules lies with the Speaker.

The Committee, after much deliberation, also believes that supplementary questions should no longer be seen as a right, but rather the Speaker should have the discretion to allow Members to ask follow-up questions. Until recently, this was in fact the practice in the Canadian House of Commons, and we believe that it has much merit. Follow-up questions should be supplementary to the main question: they should not introduce new issues or subjects. Members should consolidate their questions into one, rather than using two or three to seek the information or make their point. There will always be times when supplementary questions are necessary or desirable, and in such cases the Speaker will use his or her

discretion to permit them. The present practice, however, of allowing virtually every Member to ask a supplementary question is unreasonable and open to misuse. By restricting the use of supplementary questions, the Committee believes that more Members will have an opportunity to ask questions, and more issues will be able to be raised during Question Period.

6. The Committee recommends that the use of supplementary questions be restricted, and be permitted only at discretion of the Speaker. A supplementary question should be very short, and arise out of or relate to the main question, and any preamble should be brief and to the point. No supplementary questions that are repetitive or unnecessary should be permitted.

3. *Restrictions on Use of Lists in Question Period*

At present, Question Period is a highly orchestrated and planned event. The various parties select and rehearse questions and, to a lesser extent, answers. Lists of questioners are provided to the Speaker, who seldom deviates from such lists. These lists are a relatively new phenomenon, having being devised in the early 1970s as a means of managing a coordinated and concerted attack on specific government shortcomings. Originally, only the names of only the first few questioners were given to the Speaker, but the lists have expanded to the point where they are longer than the time available.

The abolition of lists would strengthen the Speaker's hand with respect to the recognition of Members. If a Member is recalcitrant, ignores the Speaker's warnings, or is unduly argumentative or vitriolic, he or she may not be recognized for a certain period of time. The Speaker has always possessed this disciplinary power, but this discretion is curtailed by the presence of the lists.

7. The Committee recommends that lists of questioners should be abolished, provided that each recognized party in the House may indicate to the Speaker the names of the Members to ask the first five questions allocated to Members of the party (including any supplementary questions).

4. *Roster System for Ministers*

At present, all government ministers are expected to be in the House for Question Period unless they are absent on official business. It is a waste of time, energy and resources to prepare all of these ministers for potential questions when the odds are that only a very few will be asked questions on any particular day. The British system of a roster and advance notice of questions is somewhat contrived and undesirable. When the Trudeau government attempted to develop a roster system in the 1970s, it was not particularly successful. Nevertheless, changes to the Canadian system are long overdue.

A modified type of roster system would inject an element of predictability into Question Period. Not all ministers would have to spend time preparing every day, and on "duty" days, they would be more likely to be asked questions. Opposition Members would also be better

able to plan when ministers were going to be present, and interest groups and the specialized media would be alerted. At the same time, those members of the cabinet who answer for the government — the Prime Minister and Deputy Prime Minister — would be expected to be in the House for Question Period whenever possible, as at present. Certain other senior ministers would also have to be present regularly as well. The Committee believes that the House should experiment with a roster system to see how it works.

8. The Committee recommends that a modified type of roster system for oral Question Period should be developed by the Government and referred to the Standing Committee on House Management for review and comment.

FOCUSED DEBATES

Question Period, as it has evolved in Canada, is a very topical event: it responds to and revolves around the issues of the day. By its very nature, it does not allow subjects to be dealt with in depth, nor does it permit equally important but less glamorous issues to be raised. To redress these shortcomings, the Committee is proposing a package of additional opportunities to enable certain matters to be dealt with, or dealt with in more detail than is presently possible. These reforms are important in order for the House of Commons to be relevant, and for the House to set the agenda rather than the media or others.

First, we recommend that special question and answer periods focussing on a particular Minister or subject should be held on a weekly basis. These would be determined by consultation among the parties, and would be determined in advance so that they would not be responding to the latest headlines. Special debates, on the other hand, would be held irregularly but whenever necessary and would be focused on topics of immediate importance or interest; as such, they would be responsive to current affairs. The third category of special focused sessions would be emergency debates, which are already provided for, although seldom held. Under our proposal, such debates would continue to be provided for, but their use would be restricted to true emergency situations, such as the Gulf War.

1. Special Question and Answer Periods

The Committee believes that a system should be developed so that special "question and answer periods" could be held for individual subjects or ministries. A few years ago, the House approved a special motion for such a session in connection with Bill C-62, an act to amend various pieces of legislation as a consequence of the introduction of the GST. Following statements by the Minister of Finance, and one speaker from each of the two opposition parties, the Minister of Finance took questions for an hour, the format being based on Question Period. The event was judged to be a great success by all the parties as well as by the media, and should be institutionalized.

Such a system could be used to focus attention on regional issues, or issues affecting a particular industry or sector, which often do not receive due attention during Question Period. It would also provide an opportunity to certain ministers to be questioned in a more

systematic way than presently occurs. These special question and answer periods should be held once a week, outside regular sitting hours — for instance, in the evening, or early in the morning. During these sessions, the House would go into Committee of the Whole so as to allow departmental officials to be present, and to allow members to move around.

The department or subject and the Minister for each special question and answer period should be determined by negotiation between the House Leaders. The Committee sees this as an experiment in legislative planning. We would expect that the topics will be determined several weeks in advance, thereby allowing the Ministers involved and other interested Members to arrange their schedules to be present and an opportunity to prepare. An added advantage would be that the subjects selected would not be determined by the headlines of the day. It would also allow individuals and interest groups to know when a particular debate was going to be held so that they could plan to watch it and hear both sides of the story, not just 30-second clips.

The day and time for these special question and answer periods would also be left to the House Leaders to determine. Initially, we propose that these sessions last for up to one hour. The time, however, could be extended if there was unanimous consent. No other motions, votable or otherwise, would be permitted during the special question and answer periods, and in particular, no dilatory or superseding motions would be permitted.

9. The Committee recommends that special "question and answer" periods for individual Ministers, and on individual subjects or issues, should be held once a week for up to one hour, such periods to be held outside the regular sitting hours of the House. The Ministers and subjects, as well as the date and times, shall be determined by the House Leaders. The House will resolve to go into Committee of the Whole during such periods.

2. *Special Debates*

As noted above, emergency debates are fairly rare in the Canadian House of Commons, and the criteria that have evolved are quite strict. Accordingly, the Committee believes that a procedure should be developed for "special debates." There are many issues of public importance that should be debated in the national Parliament; many Canadians feel that what goes on in the House is often not relevant to the important issues of the day. Politicians and other commentators have criticized Question Period, with its focus on headlines and short exchanges; special debates would provide a means of dealing with topical issues in a more informed and in-depth manner.

The development of such a procedure would provide an alternative to the type of situation envisaged by "emergency" debates, and would not involve the same strict criteria. Such debates would be held outside regular sitting times, and no votes would be allowed.

The subjects for the special debates would be determined by the House Leaders. This can be contrasted to emergency debates, which can only be granted by the Speaker. The Committee does not feel that it is necessary to prescribe how many or how often such debates should be held. Unlike the proposed special question and answer periods, special debates would be designed to respond to current events. It might be necessary to have two in one week, and then go for several weeks without having any.

During special debates, no dilatory motions or unanimous consent motions would be permitted. The intent would be to focus on a particular issue, and we do not believe that Canadians or most Members want to have such debates sidetracked by procedural wrangling. A motion to extend hours, by unanimous consent, however, would be allowed.

10. The Committee recommends that a procedure be adopted for special debates.

3. *Emergency Debates*

House of Commons Standing Order 52 provides a procedure for holding emergency debates "on specific and important matters requiring urgent consideration." On many occasions, Members seek leave to make such a motion, but few applications are in fact granted.

Until 1968, motions under the emergency adjournment rule were considered immediately after they had been accepted for debate. This meant that other business was put aside, often to the disadvantage of the government. With the abolition of evening sittings in 1982, virtually all conflict between emergency debates and the regular business of the House was eliminated.

The McGrath Committee, after reviewing the procedures for emergency debates in its Third Report, commented:

> A frequent and legitimate complaint of private members is that the proceedings of the House of Commons do not always reflect the concerns of the community in a timely way. Events of major importance occur in Canada and although they may be raised during question period, they do not necessarily find their way to the floor of the main debating chamber of the nation.
>
> The House has a provision for emergency debates. In his testimony before the committee, Mr. Speaker Bosley indicated that the present rule on emergency debates, with its open-ended time limit, lends itself to dilatory tactics. We believe this concern should be eliminated. (*Third Report*, p. 45)

The Committee also noted that in deciding on the acceptability of a motion for an emergency debate, the Speaker is not bound to give reasons for a decision, although the practice has developed of doing so. The Committee felt that this had led to "an accumulation of precedents that militate against the granting of emergency debates." (*Third Report*, p. 45) The Committee encouraged the adoption of the practice of not giving reasons in the hope that it would permit the Speaker to grant more applications for the debate of real emergencies and thus provide the House with opportunities for timely debate on matters of concern to Canadians.

Between November 1984 and March 1991, Members presented, or attempted to present, in the House of Commons 162 applications for emergency debates under the applicable Standing Orders. During this period, leave to make such a motion was granted by the Speaker on only eleven occasions. (One other emergency debate was held, but by agreement of the parties rather than a decision of the Speaker.)

Over the years, various criteria have been developed for dealing with applications for emergency debates. Many of these conditions have developed from decisions of previous Speakers, and some have been incorporated into the Standing Orders. Standing Order 52(5), for instance, provides that the Speaker shall have regard to the degree to which the matter falls within "the administrative responsibilities of the government" or "could come within the scope of ministerial action," and the likelihood of the issue being discussed in the near future by the House in some other way. It is also provided that the matter raised must constitute a "genuine emergency, calling for immediate and urgent consideration." Other criteria include the requirement that no more than one motion may be moved in any sitting, and the motion can involve only one subject. Moreover, the motion cannot revive an issue that has already been the subject of an emergency debate in the same session, cannot raise a question of privilege, and cannot deal with a matter normally debatable only as a substantive motion.

Considerable discretion is given to the Speaker in deciding whether to grant a request for an emergency debate. Mr. Speaker Lamoureux, writing in 1967, commented: "The decision as to whether or not a Motion to adjourn the House should be allowed for the purpose of discussing a definite matter of urgent public importance is one which taxes the judgement of the Speaker to the utmost. The allowance or disallowance of such Motions is one of the most important discretionary powers vested in the Speaker, and since they frequently imply a measure of censure against the Government the importance of ensuring that the decision is seen to be impartial becomes particularly crucial." Despite the changes that have occurred in the Standing Orders since 1967, the observations of Mr. Speaker Lamoureux remain valid.

The small number of emergency debates is a cause of concern to some Members. As the McGrath Committee Report indicated, it is important that the House have opportunities for timely debate on matters of concern to Canadians. The intent of the McGrath Committee appears to have been that more applications for emergency debates should be granted, but this does not appear to have occurred. The Committee believes that its recommendations regarding special debates — and, to a lesser extent, special question and answer periods — will afford Members the opportunity to debate topical matters in a focused way. Emergency debates should be restricted to emergency situations and an application for the Speaker will continue to be required to determine whether an application for an emergency debate should be granted.

11. The Committee recommends that the Standing Orders regarding Emergency debates should remain unchanged.

THE LEGISLATIVE PROCESS

1. Legislative Planning

Members of the Committee were in general agreement that more legislative planning was a good thing. It was felt that, generally, in order for a bill to be passed by Christmas, it should be required to be tabled within a week of the House returning in September and, similarly, to pass by June, it should be required to be tabled when the House resumes sitting in February, subject to an exemption for emergency situations.

12. The Committee believes that legislation should be tabled at least three months prior to the date the government wants to see it passed, except in emergency situations.

2. *Reforms to the Legislative Process*

Pre-study of legislation is generally seen as a good idea, and one that should be encouraged. In *Shaping Canada's Future Together*, the Government indicated that it would consider a proposal to refer bills to parliamentary committees at an earlier stage — after first reading and before approval in principle at the second reading stage to give those committees more scope in amending bills. As one member of the Committee expressed it, there is a feeling that private Members do not have a meaningful role to play in Parliament: when a bill comes forward, and by the time it is referred to a committee for study, it appears to be a "done deal," with some exceptions. It is also more likely that party positions will have become entrenched by this point, thereby reducing the potential for cooperation and consensus.

Recent experiences with pre-study have been reasonably positive. Nevertheless, the Government has valid concerns that pre-study not become yet another stage of the progress of bills through the House, thereby adding to or delaying the legislative process. Pre-study of legislation has to be used to streamline the process, not to add just another layer to the legislative process. Some Members feel that all bills should be sent to committee after first reading for pre-study; it has also been suggested that more white papers and draft legislation be studied by parliamentary committees prior to the introduction of legislation in the House.

The Committee wishes to propose a more radical solution. The current legislative process is in need of revision, particularly in view of technical nature of much modern legislation and the enhanced role and importance of legislative committees. Our concept of first, second and third readings of bills needs to be re-considered.

We believe that all bills should be referred to a legislative committee directly after they are introduced in the House. (This is apparently the procedure used in the New Zealand Parliament.) Bills would then be studied by the committee, which would effectively be engaged in a form of pre-study. The bill would not have been voted on in principle, and, therefore, amendments would not be inadmissable on the basis that went beyond the principle or scope of the bill. Members would thus have much more flexibility in terms of reviewing and fine-tuning legislation.

The bill would be reported back to the full House, with or without amendments, as at present. The second reading debate and report stage would be consolidated and held at this point. The first three speakers would be allowed to speak for up to 40 minutes, and could address the principle of the bill, or any or all amendments. Thereafter, the amendments to the bill would be considered, debated as at present, and voted upon. Once the bill, together with any amendments approved, had been voted upon, the bill would be debated generally, as at third reading.

We believe that this streamlined process has definite advantages, and would assist Members and the House in playing a more meaningful role in the development and passage of legislation.

13. The Committee recommends that bills be referred to legislative committees immediately after first reading, that they be studied by the committee, reported back to the House, and that a combined second reading debate and report stage then be held. Final reading of bills would remain as at present.

3. *Use of Closure and Time Allocation*

Closure was introduced in the Canadian House of Commons in 1913. The rules were adapted from those in the British House of Commons, but there were some significant differences. In Great Britain, closure had been first used in 1882 at the instigation of the Speaker, to terminate obstructionist tactics by certain Irish Members. Under the British system, the Speaker retains ultimate authority as to whether the closure may be invoked. In Canada, the office of Speaker did not enjoy the same prestige or independence as in Great Britain, and, in fact, the Speaker was perceived as too closely identified with the government to be able to objectively rule on motions to invoke closure. The result was that closure in the House of Commons is the prerogative of the government, and the Speaker has no role, other than to determine whether the appropriate procedures have been complied with. Now that the Speaker is elected by secret ballot, the Committee believes that changes should be made to the Standing Orders regarding closure and time allocation.

Closure and time allocation are legitimate procedural devices. A government must have certain means to limit or restrict debate. The difficulty arises when debate or discussion is unduly terminated or restricted. We would propose that the Speaker be given the responsibility and authority to determine whether there had been a reasonable opportunity for debate before a motion could be moved to invoke closure or time allocation. The Speaker would not make any determination as to whether closure was appropriate or necessary.

The proposed procedure would be similar to that in the United Kingdom, and while such decisions are by no means easy, they are important in terms of the House. Moreover, a ruling that a reasonable amount of debate had been held would lessen some of the stigma attached to the invocation of closure. It would also reinforce the idea that these devices are not intended to silence opposition but to combat obstructionism. A motion to invoke closure could not be moved at the beginning of a debate (although it could be introduced) — that is, before anyone has had an opportunity to speak — but it could be moved later if sufficient opportunities had been accorded Members to discuss the matter.

In the case of time allocation, a similar rule should be introduced, provided that in cases of special urgency, the Speaker would be given the discretion to permit a motion to allocate time. This would address the valid concerns of the government that emergency situations can arise where speedy action is essential.

14. A motion to invoke closure or time allocation could be moved only after the Speaker had determined that a reasonable amount of debate had been held.

4. *Attendance of Sponsoring Minister in House*

In recent years, it has become more and more uncommon for government ministers to be present in the House of Commons during debates on bills that they sponsor. There are notable exceptions to this practice. There are also reasons why ministers cannot always be present: they are extremely busy individuals, debates may not be scheduled far enough in advance to plan, and so forth.

As a general rule, however, if a minister is asking the House to approve a certain measure, he or she should be present for the debate if at all possible. Such attendance shows courtesy and respect for the Members who speak on the matter, and enables them to feel that their points are in fact being heard and can perhaps make a difference. If extenuating circumstances do not allow the minister to be present, then the parliamentary secretary should at least be there.

15. The Committee recommends that, whenever possible, the sponsoring minister, or acting minister, must be in attendance in the House during debate on a measure which he or she introduced.

THE ROYAL RECOMMENDATION

There was considerable discussion among Committee members regarding the requirement and use of the royal recommendation. Under the Canadian Constitution, money bills must be accompanied by a royal recommendation, and can only be introduced by a cabinet minister, as the financial prerogative belongs to the Crown. Problems arise with respect to the royal recommendation especially in respect of Private Members' Business and opposition motions. On the one hand, there is the principle that the government is responsible for the raising and expenditure of money; on the other, there is the recognition that most things nowadays have a financial component or financial implications, and the strict application of the rule severely limits the scope of parliamentary activity.

The ability to raise taxes and to spend money are the prerogative of the Crown, and should remain so. At the same time, there needs to be some recognition that a private Member's bill or motion that involves money in only an incidental way can be permitted. So long as any financial provisions are merely incidental to the main purpose, the bill or motion should be allowed. If a royal recommendation is then required before the bill is passed, there should be provision for adding it before the bill is adopted, but the bill should not be prevented from being debated in principle. Private Members' bill whose primary purpose is financial — such as amendments to the *Income Tax Act* or bills calling for the expenditure of funds — should continue to be disallowed.

There are obvious difficulties to determining whether financial provisions are incidental or not, but we do not believe that these are insurmountable. Various Speakers' rulings and precedents exist in Canada and elsewhere to provide guidance and assistance.

We believe that our proposal will address some of the major concerns and frustrations of Members. It will also reduce the number of private Members' bills that are inadvertently found to constitute money bills, while still respecting the government's control over the budgetary process.

16. The Committee recommends that a private Member's bill which contains financial provisions that are incidental to the main or primary purpose of the bill should be permitted to be introduced and debated. A second reading debate would take place on such a bill, but it could not proceed beyond second reading unless a royal recommendation was signified.

PRIVATE MEMBERS' BUSINESS

1. Failure to Move Motions or Bill

The Committee is concerned that in some cases Members fail to appear to move their private Members' bills or motions, and the bills or motions merely go to the bottom of the order of precedence. Given that recent reforms to the Standing Orders of the House of Commons have resulted in much more predictability for Private Members' Hour, we feel that Members should be penalized for failing to appear when scheduled. Since there are many less chances that Private Members' Hour will be cancelled or pre-empted, Members should be able to plan their schedules. Ample provisions are made in the Standing Orders for the exchange of items in the order or precedence. It is unfair to other Members if some Members do not show up. The Committee believes that if a Member fails to move his or her bill or motion when scheduled to do so, the matter should be dropped from the order of precedence, and removed as a votable item if it has been deemed to be one. Such bills and motions would go back into the draw, but could be selected again.

17. The Committee recommends that bills or motions that are not moved by Members when scheduled should be dropped from the order of precedence, and, if deemed votable, will cease to be so.

2. Private Members' Hour on Supply Days

As a result of the April 1991 changes to the Standing Orders of the House, Private Members' Hour is held an hour later on supply days. This leads to inconvenience and difficulties for Members. The Committee recommends that on such supply days, as on other sitting days, Private Members' Hour should commence an hour prior to the regular time for rising of the House.

18. The Committee recommends that the Standing Orders of the House be amended so that Private Members' Hour commences an hour prior to the regular time for the rising of the House on supply days.

3. Divisions on Private Members' Business

There is no reason for the party whips to be involved in the taking of a vote during Private Members' Business. In Private Members' Business, we work in a way which should not reproduce the partisan or adversarial system. The bells for divisions on Private Members'

Business should be rung for a standard length of time, and should not be capable of being shortened. We need to recognize more fully that Private Members' Business is the purview of Members, and no one else should be able to interfere. The only involvement of the Whips should be to request that the vote be defered.

19. **The Committee recommends that all votes on Private Members' bills or motions should be preceeded by a 15-minute bell and that no change in length of bells for divisions on Private Members' Business should be permitted.**

20. **The Committee recommends that the Whips should not be involved with Private Members' Business in any way, provided that a vote on a private Members' bill or motion may be deferred at the request of the Government Whip, the Opposition Whip, or the Whip of the party to which the sponsor of the bill or motion belongs.**

PAIRING

The 1991 amendments to the Standing Orders provided for the creation of a Register of Paired Members. "Pairing" is the system whereby two Members on opposite sides of a question agree not to vote on a particular matter; they thereby cancel each other out and do not affect the outcome of the vote. Pairing is often resorted to when Members are unable to be present for a vote and is a long-standing parliamentary practice, having originated in Great Britain in the time of Cromwell. The first pair in Canada was recorded less than three weeks after the new Parliament met in 1867. At times, pairing was very common in the Canadian House of Commons, and, at one time, a procedure existed for registering pairs. The introduction of a Register of Paired Members was an attempt to revive this practice, which is followed in certain other jurisdictions. Members often have other commitments which prevent them from being in the House on a certain day, and pairing is an attempt to accommodate them.

The Standing Orders currently require that the party Whips consent to any pairing. This appears unnecessary and unweildy. The Whips are already busy enough, and we would recommend that this requirement be removed. It would continue to be possible for a party Whip to instruct his or her Members that no pairing arrangements should be entered into with respect to a particular vote or day, or as a general policy.

Various Speakers in the past have ruled that agreements to pair are private arrangements between Members and in no sense matters in which the Speaker or the House can intervene to enforce such agreements. This would appear to be the case even if at present, the Standing Orders specifically make provision for pairing. This appears inequitable. Members occasionally forget that they have paired, and if reliance has been placed on the fact that certain Members were paired, this should be respected. Accordingly, the Committee recommends that if any Member who has registered as a pair attempts to vote on that day, the vote should be disallowed.

21. **The Committee recommends that pairing should be used more often. The requirement for the Whips' approval for pairing should be removed.**

22. The Committee recommends that if a Member whose name is entered in the Register of Paired Members for a particular day casts any vote in the House on that day, the vote or votes shall be disallowed.

SPEAKERSHIP

The Committee believes that election of the Speaker by secret ballot represents a major evolution in the House of Commons. This change, which was instituted in 1985, has changed the way that the House operates. The Committee, however, wishes to take this reform a step further.

The Speaker is assisted by a Deputy Speaker and Chairman of Committees of the Whole, a Deputy Chairman of Committees of the Whole, and an Assistant Deputy Chairman of Committees of the Whole. These four individuals constitute the presiding officers of the House, and rotate the duties of chairing the proceedings of the House.

The Committee believes that two of these presiding officers should be chosen from the opposition benches. In other words, two of the four positions should be held by Opposition Members. This is the practice in Great Britain, and would, we believe, enhance the independence and credibility of chairing of the House. We would expect the four presiding officers to work together as a team, by getting together to discuss rulings and so forth.

We would propose that the system work as follows: Once the Speaker of the House is elected pursuant to the Standing Orders, then if the Speaker is from the Government side, the Leader of the Opposition would propose a Member to be Deputy Speaker, or if the Speaker is from the Opposition side, the Prime Minister will propose a member to be Deputy Speaker. The Assistant Deputy Speaker will then be appointed by the leader of the side to which the Speaker belongs, and the Assistant Chairman of Committees will be appointed by the other. We would note that there would be no requirement that any person nominated come from a particular party. It would be perfectly in order, and perhaps desirable, for instance, for the Leader of the Opposition to choose one nominee from another opposition party.

23. The Committee recommends that two of the presiding officers of the House of Commons should be appointed from the opposition benches.

ADJOURNMENT DEBATES

1. Selection of Matters

Standing Order 38 provides for adjournment proceedings on Mondays, Tuesdays and Thursdays. Commonly known as the "late show," this provides an opportunity for certain matters to be raised in more detail than is possible in oral Question Period.

In order to make the adjournment proceedings more relevant, we would propose that priority be given to matters raised earlier that day in Question Period. In other words, matters should be chosen first from those of which notice has been given that day or the previous day if

there was no adjournment debate that day. If less than five notices are received, the remaining matters will be selected from those on the *Order Paper*. If notices of more than five items are given, a draw should be held to select the matters to be raised. The current time limits for giving notice, and advising the House of the matter to be raised would remain in place. We believe that these changes will make the adjournment proceedings more topical, and are more in keeping with the original intent and purpose of this part of the parliamentary day.

24. The Committee recommends that the matters to be raised during the adjournment proceedings should be chosen, by lot, first from those items notice of which has been given since the last draw, and then, if necessary, from matters in the *Order Paper*.

2. *Non-Cancellation of Adjournment Debate*

As noted above, the adjournment proceedings are scheduled three days a week – Mondays, Tuesdays and Thursdays – and commence at 6:00 p.m. At present, however, if a recorded note is held at 6:00, the adjournment proceedings for that day are cancelled. The Committee believes that adjournment proceedings should in fact be held on these days.

25. The Committee recommends:

1. **That section 38(1) of the Standing Orders be deleted and the following substituted therefor:**

   "38.(1) At the ordinary hour of daily adjournment on Mondays, Tuesdays and Thursdays, the Speaker may, notwithstanding the provisions of Standing Orders 24(3) and 67(2), deem that a motion to adjourn the House has been made and seconded, whereupon such motion shall be debatable for not more than thirty minutes."

2. **That section 38(7) of the Standing Orders be deleted and the following substituted therefor:**

   "(7) When it is provided in any Standing or Special Order of this House that any specified business shall be continued beyond the ordinary hour of daily adjournment, the adjournment proceedings in that sitting shall be suspended unless the sitting is extended pursuant to Standing Order 33(2)."

3. **That the following new section be added after section 38(7) of the Standing Orders:**

   "(8) The adjournment proceedings shall not be suspended except as provided for in Standing Orders 2(3), 30(4)(b) and 52(12) or as otherwise specified by Special Order of this House. No adjournment proceedings shall take place on days appointed for the consideration of business pursuant to Standing Orders 26, 53, 57, 81(16), 83(2), and 98(3)."

JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

The *Parliament of Canada Act* provides that the Library of Parliament is under the joint direction and control of the Speaker of the Senate and the Speaker of the House of Commons. It goes on to provide that they are to be "assisted ... by a joint committee to be appointed by the two Houses."

There was a Joint Committee on the Library until 1986, but the Standing Orders of the House of Commons do not currently make any provision for such a joint committee, although the Rules of the Senate do. In his 1991 report on the Library of Parliament, the Auditor General noted the absence of a committee to assist the two Speakers, and concluded that "this means compliance with the *Parliament of Canada Act* cannot be achieved."

The Committee recommends the re-establishment of a joint committee of the Senate and the House of Commons on the Library of Parliament.

26. The Committee recommends that the Standing Orders of the House of Commons be amended as follows:

1. That Standing Order 104(3) be deleted and the following substituted therefor:

"(3) The Standing Committee on House Management shall also prepare and report a list of Members to act for the House on the following standing joint committees:

(a) on Scrutiny of Regulations, eight Members to act on the part of this House as members on the Joint Committee of both Houses;

(b) on the Library of Parliament, eight Members to act on the part of this House as members of the Joint Committee of both Houses:

Provided that a sufficient number of members of the said joint committees shall be appointed so as to keep the same proportion therein as between the memberships of both Houses."

2. That a new subsection be added to Standing Order 108 as follows:

"(5) So far as this House is concerned, the mandate of the Standing Joint Committee on the Library of Parliament shall be that as established in sections 74(1) and (2) of the Parliament of Canada Act, provided that both Houses may, from time to time, refer any other matters to the Joint Committee."

PUBLIC PERCEPTION – CREDIBILITY AND REPUTATION

The Committee has spent considerable time reviewing the issue of broadcasting of parliamentary proceedings. Our specific concern was the broadcasting of committee proceedings, and we tabled a report on this issue in February 1992. We have also tabled

reports regarding the televising of Question Period in the House of Commons, in which we recommended that different camera angles be used so as to give a better flavour of the House.

Members of the Committee are concerned about "wrap-around" programming, that is, the other programming that is shown on the Parliamentary Channel. We are also concerned about overall access to parliamentary proceedings, including the costs and value of informing and explaining Parliament to Canadians through the use of explanatory, non-partisan programming.

27. The Committee recommends that the Board of Internal Economy develop a proposal for wrap-around programming on the Parliamentary Channel, and refer it to the Standing Committee on House Management for its review and consideration.

CONCLUSION

Parliamentary institutions need to be dynamic, not static. Procedures must continually evolve, in order to meet changing needs and circumstances. While parliamentary tradition is important, we cannot let it stand in the way of reform, or allow ourselves to become hidebound. The House of Commons is a very different place today than it was fifty years ago — or even five years ago — and parliamentary procedures must be able to adapt to the times.

Both Members of Parliament and Canadians generally are dissatisfied and frustrated with the status quo. In this report, the Committee has proposed a package of reforms; not all of the members are enthusiastic about every single aspect of the report, but the report as a whole attempts to strike a balance between the various and often competing interests in the House.

We acknowledge, however, that the effect of changes are often difficult to predict. Accordingly, we believe that the reforms recommended here should initially be implemented on a provisional basis for a trial period. We would suggest that if the report were concurred in by the end of September 1992, it would be appropriate to experiment with the changes until the end of December 1992. The Committee would monitor the implementation of the changes during this period, and would recommend any modifications that became necessary or desireable. At the end of the experimental phase, the House would be in a much better position to assess whether the reforms should be adopted permanently. We should not try to make changes for all time, but, on the basis of our collective experience, we can try to address some of the more pressing problems that the House faces.

28. The Committee therefore recommends that the recommendations contained in this report be implemented on a provisional basis until the end of December 1992, with the Standing Committee on House Management to monitor the changes and to report to the House as necessary.

In order for the procedural changes contained in this report to be in place as expeditiously as possible, the Committee has requested that the necessary changes to the Standing Orders be drafted over the summer. This will enable the changes to come into effect as soon as possible after the House concurs in the report.

29. The Committee recommends that the amendments to the Standing Orders necessary to implement the recommendations in this report come into effect within 10 sitting days of the report being concurred in by the House of Commons.

APPENDIX 1

LIST OF RECOMMENDATIONS

Recommendation 1

The Committee recommends that Members of Parliament be made more aware of the confidence convention, and the observations of the McGrath Committee. In terms of government motions, only votes on motions clearly identified by the government as questions of confidence should be considered as such.

Recommendation 2

The Standing Orders should be amended to expressly state that no vote on an opposition motion on an allotted day will be considered a vote of confidence unless the government expressly announces that it will treat it as such or the motion itself is explicitly worded as a vote of confidence.

Recommendation 3

The Committee recommends that the use of lists be abolished for statements under Standing Order 31, provided that each recognized party may designate one Member who shall be the first speaker for such party.

Recommendation 4

The Committee recommends that the time limits regarding statements pursuant to Standing Order 31 be strictly observed and enforced, so as to enable as many Members as possible to avail themselves of this opportunity, and to keep the statements within the intent of the rule.

Recommendation 5

The Committee recommends that the following guidelines governing Question Period be adopted by the House of Commons, and enforced by the Speaker.

1. Questions should be on important matters. They should not be frivolous, trivial, vague or meaningless.

2. Questions and answers should not be unduly argumentative. Members should at all times treat other Members with respect. A question must adhere to the proprieties of the House in that it must not contain inferences, impute motives, or cast aspersions upon persons within the House or out of it. Questions should not reflect on the character or conduct of the Speaker, Members of either House of Parliament, members of the judiciary, or the Sovereign or Royal Family. Questions should not refer discourteously to a friendly foreign country.

3. Questions should not be unduly repetitive. A question that has previously been answered ought not to be asked again, although this does not mean that questions on the same point are out of order.

4. Questions and answers should be brief. A question should not be of a nature requiring a lengthy and detailed answer, nor should it raise a matter of policy too large to be dealt with as an answer to a question. A reply to a question should be as short as possible, relevant to the question asked, and should not provoke debate.

5. The facts on which a question is based may be set out as briefly as practicable. A preamble, if any, should be short and to the point.

6. A question must relate to a matter within the administrative responsibility and constitutional jurisdiction of the Government of Canada. A minister to whom a question is directed is responsible only for his or her present portfolio(s), and not for previous portfolios or party responsibilities.

7. A question is out of order if it deals with a matter that is before a court. In civil matters, however, this restriction will not apply unless and until the matter is at trial. Questions should not inquire as to legal advice received by a Minister.

8. A question is out of order if it seeks information about matters which are in their nature secret or confidential such as the proceedings of cabinet. It is, however, in order to ask if a certain matter has been considered by cabinet. Questions should not seek information set forth in documents equally accessible to questioners.

9. If a question is ruled out of order, no answer should ordinarily be allowed, and the Speaker should move on to the next questioner.

10. A Minister may decline to answer a question without stating the reason for his or her refusal. Insistence on an answer is out of order. A refusal to answer cannot be raised as the basis of a question of privilege.

11. The government decides who shall answer a question. The Prime Minister answers for the government as a whole and is entitled to answer any question relating to any ministerial portfolio or matter of policy, and may delegate this responsibility to the Deputy Prime Minister even when the Prime Minister is present in the House.

Recommendation 6

The Committee recommends that the use of supplementary questions be restricted, and be permitted only at discretion of the Speaker. A supplementary question should be very short, and arise out of or relate to the main question, and any preamble should be brief and to the point. No supplementary questions that are repetitive or unnecessary should be permitted.

Recommendation 7

The Committee recommends that lists of questioners should be abolished, provided that each recognized party in the House may indicate to the Speaker the names of the Members to ask the first five questions allocated to Members of the party (including any supplementary questions).

Recommendation 8

The Committee recommends that a modified type of roster system for oral Question Period should be developed by the Government and referred to the Standing Committee on House Management for review and comment.

Recommendation 9

The Committee recommends that special "question and answer" periods for individual Ministers, and on individual subjects or issues, should be held once a week for up to one hour, such periods to be held outside the regular sitting hours of the House. The Ministers and subjects, as well as the date and times, shall be determined by the House Leaders. The House will resolve to go into Committee of the Whole during such periods.

Recommendation 10

The Committee recommends that a procedure be adopted for special debates.

Recommendation 11

The Committee recommends that the Standing Orders regarding Emergency debates should remain unchanged.

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> **"38.(1) At the ordinary hour of daily adjournment on Mondays, Tuesdays and Thursdays, the Speaker may, notwithstanding the provisions of Standing Orders 24(3) and 67(2), deem that a motion to adjourn the House has been made and seconded, whereupon such motion shall be debatable for not more than thirty minutes."**

2. That section 38(7) of the Standing Orders be deleted and the following substituted therefor:

> **"(7) When it is provided in any Standing or Special Order of this House that any specified business shall be continued beyond the ordinary hour of daily adjournment, the adjournment proceedings in that sitting shall be suspended unless the sitting is extended pursuant to Standing Order 33(2)."**

3. That the following new section be added after section 38(7) of the Standing Orders:

> **"(8) The adjournment proceedings shall not be suspended except as provided for in Standing Orders 2(3), 30(4)(b) and 52(12) or as otherwise specified by Special Order of this House. No adjournment proceedings shall take place on days appointed for the consideration of business pursuant to Standing Orders 26, 53, 57, 81(16), 83(2), and 98(3)."**

Recommendation 26

The Committee recommends that the Standing Orders of the House of Commons be amended as follows:

1. That Standing Order 104(3) be deleted and the following substituted therefor:

"(3) The Standing Committee on House Management shall also prepare and report a list of Members to act for the House on the following standing joint committees:

(a) on Scrutiny of Regulations, eight Members to act on the part of this House as members on the Joint Committee of both Houses;

(b) on the Library of Parliament, eight Members to act on the part of this House as members of the Joint Committee of both Houses:

Provided that a sufficient number of members of the said joint committees shall be appointed so as to keep the same proportion therein as between the memberships of both Houses."

2. That a new subsection be added to Standing Order 108 as follows:

"(5) So far as this House is concerned, the mandate of the Standing Joint Committee on the Library of Parliament shall be that as established in sections 74(1) and (2) of the Parliament of Canada Act, provided that both Houses may, from time to time, refer any other matters to the Joint Committee."

Recommendation 27

The Committee recommends that the Board of Internal Economy develop a proposal for wrap-around programming on the Parliamentary Channel, and refer it to the Standing Committee on House Management for its review and consideration.

Recommendation 28

The Committee therefore recommends that the Recommendations contained in this report be implemented on a provisional basis until the end of December 1992, with the Standing Committee on House Management to monitor the changes and to report to the House as necessary.

Recommendation 29

The Committee recommends that the amendments to the Standing Orders necessary to implement the Recommendations in this report come into effect within 10 sitting days of the report being concurred in by the House of Commons.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos 16 to 23, 37 to XXX which includes this Report)* is tabled.

Respectfully submitted,

Chair

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