

# *Inside Canada's Parliament*



An Introduction to How the Canadian Parliament Works

## **Canadian Cataloguing in Publication Data**

Inside Canada's Parliament: an introduction to how the Canadian Parliament works. — Ottawa: Library of Parliament, 2002.

40, 40 p.

Co-produced by the Senate, the House of Commons and the Library of Parliament.

Text in English and French with French text on inverted pages.

ISBN 0-662-66038-2

YL2-12/2002

1. Canada. Parliament. 2. Canada — Politics and government — 1993.

I. Canada. Parliament. Senate. II. Canada. Parliament. House of Commons.

III. Canada. Library of Parliament.

JL 136

First Edition

Catalogue No. B415 (05/02)

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# Foreword

**T***his is Parliament! Inside these walls and chambers you will see a lot of activity. This is where the people who represent the citizens of Canada come together to debate, discuss, reflect, and make decisions about how our country's policies, laws and finances work to reflect the public will and the public interest.*

Ensuring that Canadians know how Parliament works is the key to making it work. As a democracy, Canada thrives when its citizens are involved and informed.

*Inside Canada's Parliament* throws open the doors of Parliament — taking you behind the scenes, through its corridors and back passages, to show you how the work of Parliament gets done.

As Speaker of the Senate and Speaker of the House of Commons, we welcome this opportunity to give you better insight into how Canada's Parliament operates so you can share in our sense of involvement and excitement.

On behalf of all the people who work for you in Parliament, welcome.

Peter Milliken, M.P.

Speaker of the House of Commons

Dan Hays, Senator

Speaker of the Senate

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# Preface

**A** young Canadian casting a vote, a Senator conducting a clause-by-clause review of a bill, a Member of the House of Commons meeting with constituents, a Cabinet Minister defending her department's policies to other party members in a caucus meeting, members of a special interest group presenting their case to a parliamentary committee — these are just some of the many people who make Canada's Parliament work.

And it does work. Through an intricate marriage of tradition and forward thinking, of time-honoured processes and changing social and economic circumstances, Canadians have built a parliamentary system of which to be proud. After more than a hundred years of adaptation and improvement, of taking the best of the old and the best of the new, it is our heritage.

The people who represent Canadians in Parliament — as Senators and Members of the House of Commons — are proud to be part of such a great institution. Through debate, discussion and reflection, parliamentarians safeguard Canada's democratic system — ensuring that the country's laws and the management of its finances reflect the public will. What they do matters.

“Behind the scenes”, many men and women provide parliamentarians with essential services to help them do their work. They are the people who conduct research on laws, policies and parliamentary rules and procedures, coordinate the work of parliamentary committees, prepare and distribute the information parliamentarians need for debate and decision-making, and ensure public access to the history and traditions of Parliament. What they do matters too.

Democracy works best when citizens are involved in, and informed about, the workings of government. But much of what parliamentarians do, the details of their work, is not always understood. It's important that the Houses of Parliament be open and accessible so that Canadians and others can learn about how the laws of the country are made, and where the future of Canada is shaped. Read on and discover how Canada's Parliament works, who Canadian parliamentarians are and how they do their job.

# Introduction

**I**nside Canada's Parliament: An Introduction to How the Canadian Parliament Works was commissioned by the Senate, the House of Commons and the Library of Parliament to provide those interested in Parliament — including members of the public, teachers, business people and parliamentarians from both here and abroad — with an introduction to the Canadian system. The information in this guide is intended to provide key facts about Parliament and, at the same time, capture its spirit and give readers some insight into how the work of Parliament actually gets done, and by whom.

**Chapter I, *The Foundations***, gives an overview of the Canadian parliamentary system, including the history, geography and social diversity that have helped shape Parliament. It outlines three “pillars” which support Parliament: representativeness, responsibility and accountability.

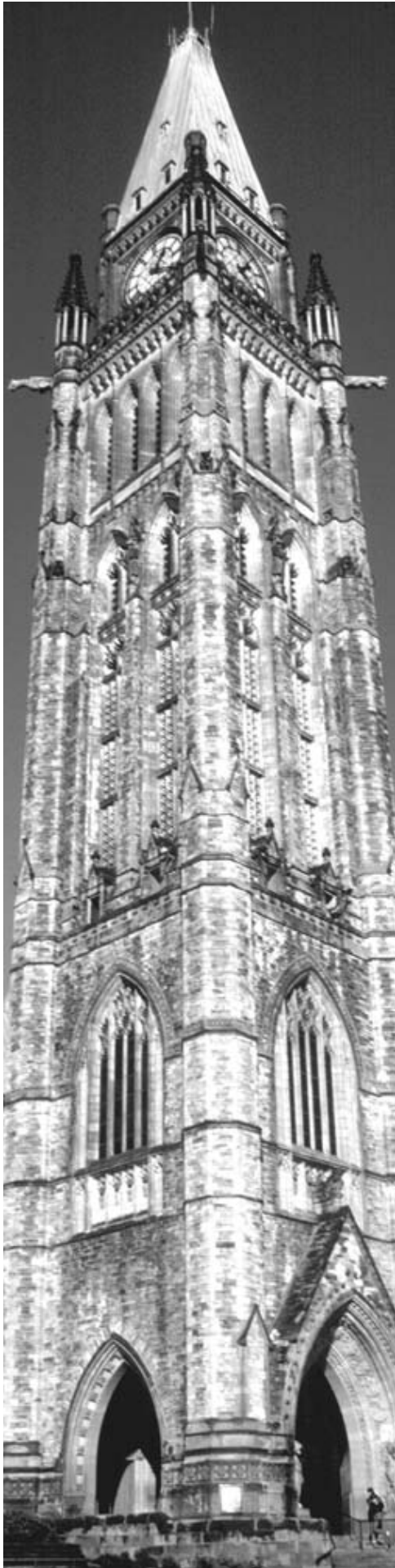
**Chapter II, *The Institutions***, provides the reader with an overview of the three parliamentary institutions — the Crown, the Senate and the House of Commons. The role of the Prime Minister and the Cabinet is also explored, as is the wider context of Parliament — including its relationship to government departments and the courts, and the support provided by Parliament's administration, information and research bodies.

**Chapter III, *The Work***, examines the daily activities of parliamentarians and the many roles they play — as representatives of their constituents or interest groups, as legislators, as investigators, and as watchdogs of the Government. An overview of the legislative process shows how laws are made, and a “behind-the-scenes” look at the roles played by administrative and professional staff — in the Senate, in the House of Commons and in the Library of Parliament — reveals how Parliament's employees contribute to its daily workings.

**Chapter IV, *Continuing Traditions***, highlights the fine balance between Parliament's traditions and modern practices, and the “living”, evolving nature of the Canadian system. While it is steeped in tradition and history, Parliament is also adaptable and flexible, reflecting the changing values of Canadians and the country's social and economic climate.

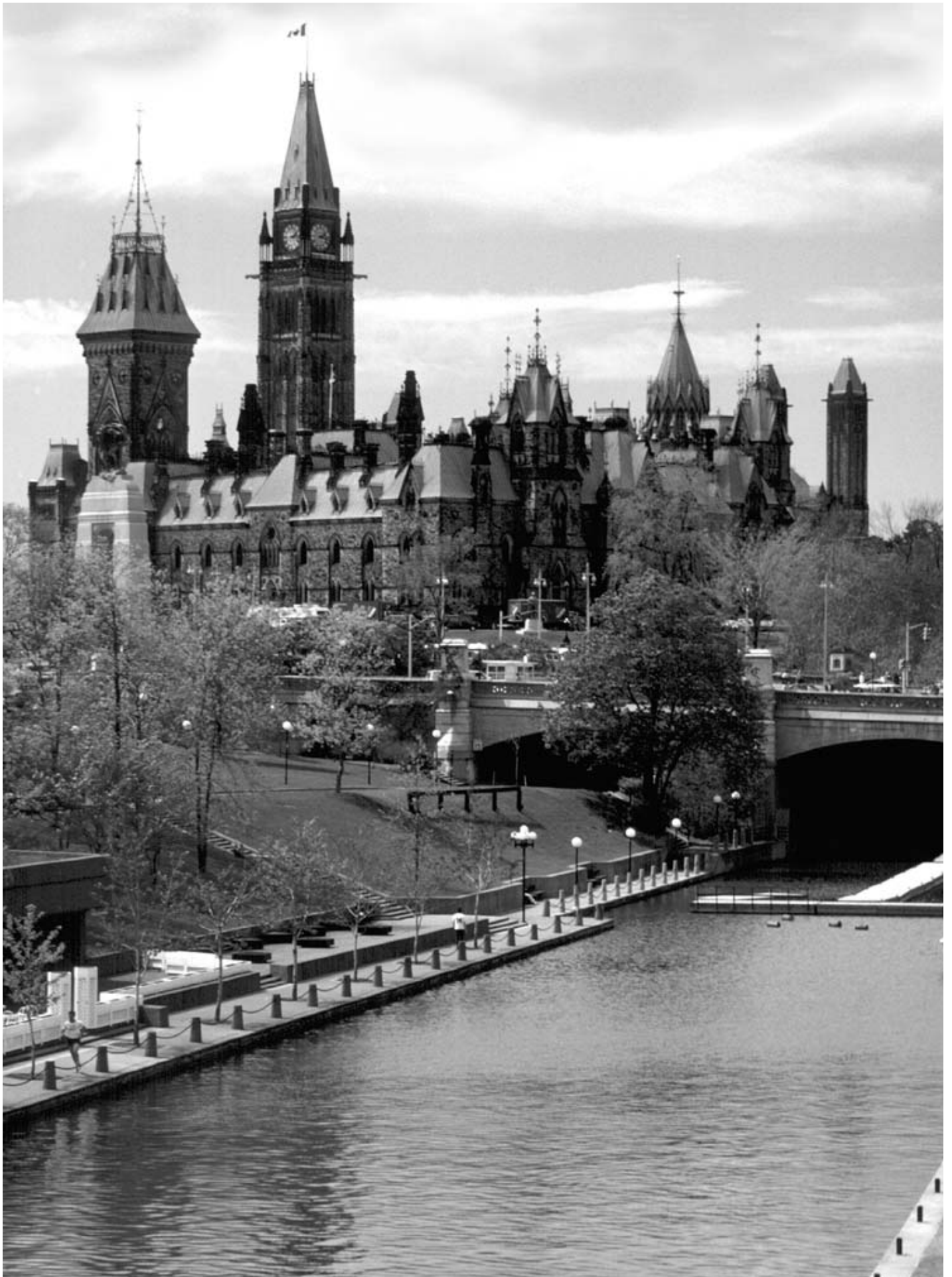
A glossary of terms used in this publication, and other resources about Parliament, are available on the Internet at <http://www.parl.gc.ca>.

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# *The Foundations*





**D***iscussion is a fundamental part of any democratic system. As a nation, every day, we hear and present viewpoints, we struggle with issues, we reach agreement on actions, we share ideas and dreams — and we create the laws, policies and programs that are the framework for the national vision.*

Parliament is a place of discussion and debate. You can see it in Question Period, when Ministers are called to account for their actions and policies. It's there in caucus meetings when party members hammer out their position on issues that will determine the country's future. It's there in committees, when members of industry or labour or any interest group speak out about the Government's policies. Such debate is the basis of democracy.

### ***A Tree with Strong Roots***

Like any institution, Parliament has its own distinct history. When the Dominion of Canada was proclaimed on July 1, 1867, the various regions of the country already had a rich history rooted in representative traditions. Even before the Charlottetown and Quebec Conferences of 1864, when the resolutions that formed the basis for Confederation were framed, the people who had settled in what we now call Canada had been part of the gradual development of a parliamentary democracy. Between 1758 and 1863, the colonies which would become some of Canada's provinces — Nova Scotia, Prince Edward Island, New Brunswick, Ontario, Quebec, Newfoundland and British Columbia — all established elected assemblies, giving the people of each province a representative voice. From 1848 onwards, the colonies developed "responsible government" — the assemblies had the capacity to make and unmake governments, and the governments were accountable to the whole elected assembly for their actions and decisions.

By 1864, many people in the British North American colonies were discussing the benefits of union. They could do much together that they could not do separately — pooling their economic resources to overcome the challenges of a vast geography and working together to protect themselves against the economic and military dominance of the United States. Their solution — Confederation — did much to respect the deep differences in economic interest, language, religion, law and education among the regions that came together in 1867. Confederation established the constitutional agreements and the Parliament we know today.

Canada's system is a federation. Legislative and governing powers are divided between the federal Government, responsible for matters of concern to all Canadians, and provincial legislatures, responsible for matters of more local interest. Ottawa is the home of the country's federal Parliament and the seat of its national government.

## ***A British Model, a Canadian Constitution***

Canada's Parliament reaches back over 800 years to the foundations of British parliamentary tradition. But Canada's Constitution — the fundamental rules and values by which we govern ourselves — is distinctly our own.

The Canadian system of government, like the country it serves, has evolved over time. Moreover, Canada's Constitution is made up of many documents and includes unwritten conventions, many of which have been established through parliamentary tradition. In fact, 25 separate documents make up the Constitution. But the core of this collection is the *Constitution Act, 1867*, originally called the *British North America Act*. This statute, along with the various amendments added to it, sets out the fundamental rules of the federal system, such as the powers and jurisdiction of Parliament and of the provincial legislatures. It established Parliament, composed of the Queen, an appointed Senate and an elected House of Commons. This 1867 statute did not provide for direct amendment in Canada.

The *Constitution Act, 1982*, “brought the Constitution home” — detailing the processes by which future changes could be made to the Canadian Constitution without seeking an Act of the British Parliament. It specifies that changes to the Constitution can only be made by particular amending processes, involving various combinations of Parliament and some or all of the provincial legislatures. The *Constitution Act, 1982*, contains the *Canadian Charter of Rights and Freedoms*, and includes a section recognizing the special place of Canada's Aboriginal people within Confederation.

However, many basic features of Canada's government have no mention in the written Constitution. The Cabinet, political parties, the Prime Minister — these are household words in Canada, but they do not appear in any formal documents of the Constitution. Essential elements of our system of governance are contained in other laws, such as the *Parliament of Canada Act*, and are reflected in Parliament's practices and traditions.



## ***The Building Blocks of Parliament***

Three themes arise repeatedly in the events of Canada's constitutional history, written and unwritten. These are: representativeness, responsibility and accountability. Respect for these ideas is a feature of any democracy, but the way they are given life in Canada's Parliament gives us some of our distinguishing character. They are the "pillars" that ensure thoughtful consideration of the issues that concern Canadians and promote sound decision-making.

### **Representing Canadians**

The two Houses of Parliament — the Senate and the House of Commons — are each, in different ways, representative of Canadians. All Members of the House of Commons are elected, chosen by the voters of their riding, or community, to represent them in the national legislature. The appointed Senate provides a forum of representation which complements that of the House of Commons. In addition to reflecting the principal of equal geographical regions of Canada, the Senate often advocates on behalf of minority interests. Individual Canadians can also request that Parliament take action on a specific issue by submitting a petition for introduction by a Member of the Senate or House of Commons.

### **Responsible Government**

"Responsible government" means that the executive branch — the Prime Minister and Cabinet — must have the support from the majority in the House of Commons to stay in power. In the British tradition, the defeat of a bill involving a major policy issue or a tax or supply bill in the House of Commons is usually regarded as a "vote of non-confidence" in the Government. Given the rigidity of party discipline, which discourages Members from voting against party policy, defeat in the House of Commons is unlikely unless the Government is in a minority position or loses the support of its own backbenchers.

### **Accountability**

As in Great Britain, there are other features of Parliament that ensure the accountability of those in power. Cabinet Ministers report to Parliament on the activities and programs of their federal departments and must defend their actions to members of the Opposition during Question Period. In fact, the various activities in the daily life of Parliament and the dynamic inherent in Canada's system of political parties are designed to ensure that the governing party is accountable for its policies, activities and programs.

### **Debating the Issues**

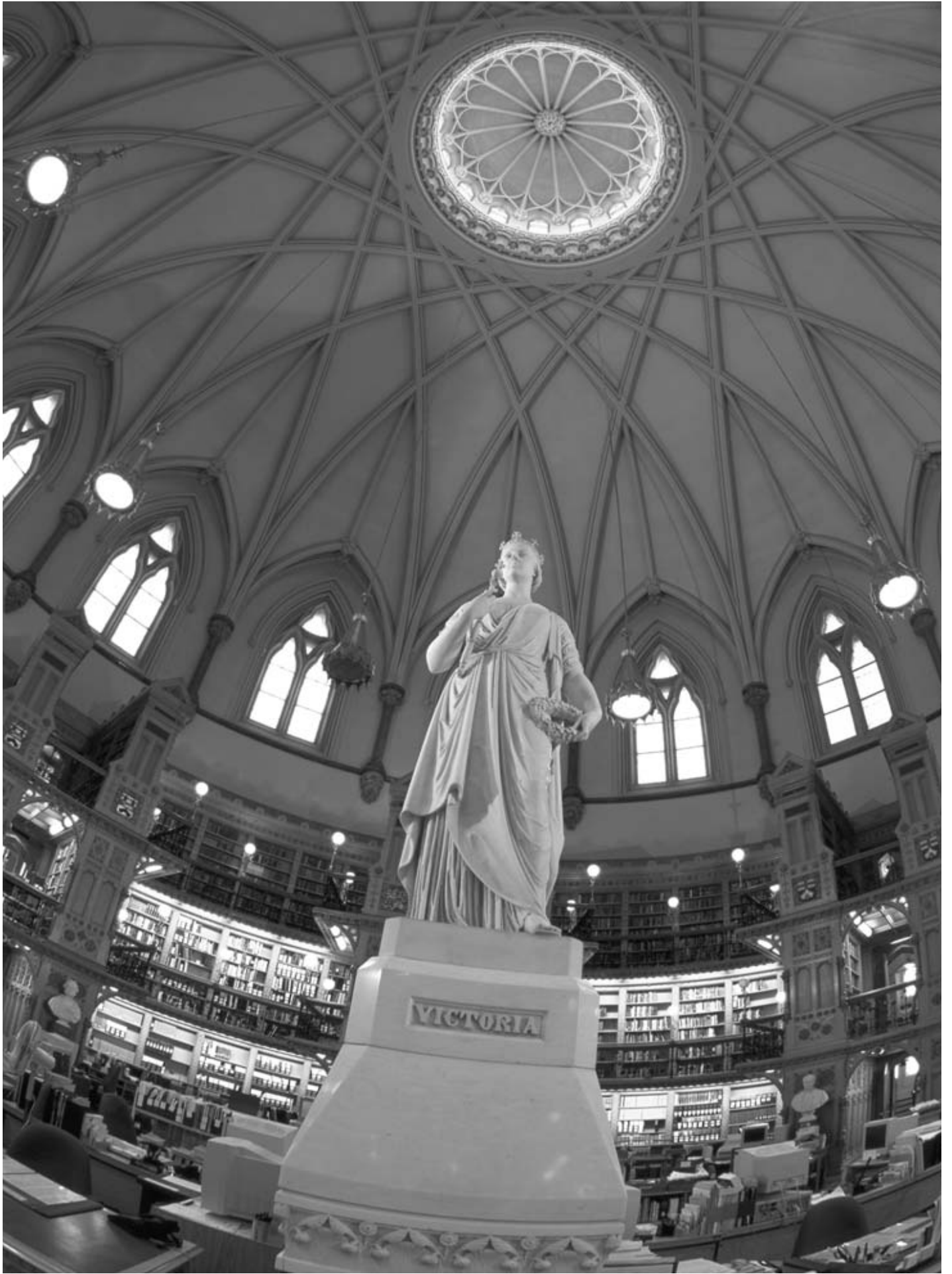
Parliament serves as a debating chamber, allowing the free exchange and competition of ideas. Through review and discussion, parliamentarians can ensure that the Government's policies are continually challenged and tested, a process designed to help Members of Parliament identify the best possible course of action for the country.

Parliament also raises citizen awareness. As a highly visible forum, it helps bring important issues to the attention of Canadians and equips them for performing their duties as informed electors.



*The Institutions*

# II



“**T**here shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate and the House of Commons.” With these simple words written in the Constitution Act, 1867, the founders of Confederation drew on the British model they knew best to give shape to Canada's legislature.

The three institutions of Parliament are the Crown, the Senate and the House of Commons. These bodies complement one another in their composition and functions.

### **“... Consisting of the Queen ...”**

In her capacity as Sovereign of Canada, the Constitution declares that executive authority is vested in the Queen (s. 9). While the Prime Minister exercises the powers of the Head of Government, the official functions of the Head of State are carried out by a person with no political affiliation — the Governor General — who is appointed by the Queen as her personal representative on the advice of the Prime Minister.

The Governor General today performs official duties on the advice of the Government. The Crown's presence in Canada is still evident in the Governor General's constitutional powers, including:

- choosing the Prime Minister of Canada. By convention, this means selecting the leader of the party with the majority of seats in the House of Commons. However, in the event that no party has a majority, the Governor General will call upon the party leader most likely to keep the confidence of the House of Commons.
- summoning Parliament, giving Royal Assent to legislation, and signing State documents.
- dissolving Parliament which, by convention, means accepting the advice of the Prime Minister to proceed to an election within five years of a government's life. If, however, the Government is defeated on a vote of confidence, the Governor General decides in the best interests of Canada and having the advice of the Prime Minister, whether to proceed with an election or ask the Opposition to form the Government.

The Governor General also fulfills important ceremonial duties — recognizing the achievements of outstanding Canadians, receiving foreign delegations, travelling overseas as Canada's Head of State, and hosting and taking part in official events.

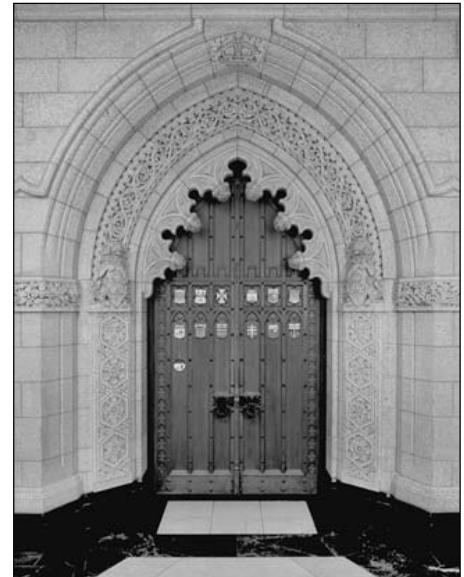


### ***“... an Upper House styled the Senate ...”***

During the debates which led to Confederation in 1867, Sir John A. Macdonald, who would become Canada's first Prime Minister, pointed to the primary purpose of the Senate as “calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body”. The Senate's intended role was also to safeguard regional, provincial and minority interests. Some basic facts about the Senate include:



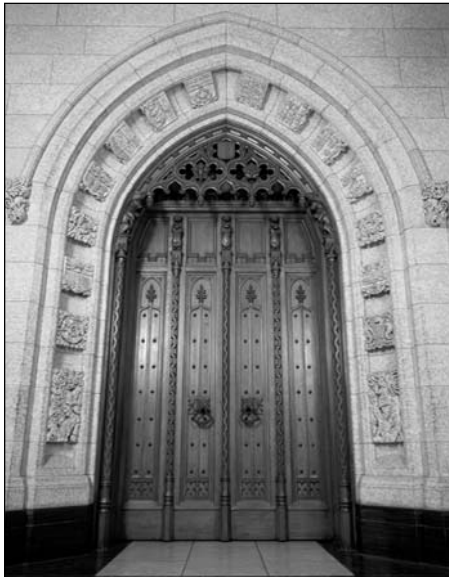
- It has 105 members of different political parties, as well as independents. They are summoned by the Governor General on the recommendation of the Prime Minister.
- Senate seats are allocated to provide each region of the country with equal representation. Over half of the seats in the Senate are distributed to the less populated parts of the country, complementing the representation-by-population basis of the House of Commons.
- Senators must be over 30 years of age, must own property and must reside in the region they represent. Like judges, their independence is protected by tenure until the age of 75.
- Senators participate in debates in the Senate Chamber, review legislation and government estimates and investigate policy matters and issues of concern to Canadians in committee, discussing party policy and strategy in caucus meetings.
- Bills can be introduced in the Senate unless they raise or allocate public funds. To become law, a bill must be passed by both the Senate and the House of Commons before receiving Royal Assent in the Senate.



## ***“... and the House of Commons.”***


The House of Commons provides for the representation of the country's population in the national assembly. Some key facts about the House of Commons:

- There are 301 seats in the House of Commons, distributed among the provinces roughly according to population. To ensure a minimum level of representation from each province, no province can have fewer seats than it has members in the Senate.
- The Government must have the support of the House of Commons and retain its confidence in order to stay in power. If the Government loses a vote on a major measure, including a budget or tax bill, or on any motion of non-confidence, it is expected to resign or to ask the Governor General to call a general election. This constitutional convention reflects the principle of responsible government, which ensures that the Prime Minister and the Cabinet cannot govern without the consent of the elected House of Commons and makes them ultimately accountable to the people.
- Canadians elect a Member of the House of Commons to represent their constituency (also known as a riding). The candidate with the most votes is awarded a seat in the House of Commons and serves for the life of the Parliament (a maximum term of five years). Members may then seek re-election.



- Various political parties are represented in the House of Commons, although some Members may have no affiliation to an organized party.
  - The House of Commons Chamber is divided into Government and Opposition sides. Any Member not affiliated with the governing party is part of the Opposition.
  - Members of the House of Commons deal with the major issues of the day and formulate federal laws by taking part in debates, and by sitting on committees which investigate policy issues and review bills. They maintain close contact with their constituents and discuss policy and strategy with fellow party members in caucus.
- Before any bill becomes law, it must be passed by both the House of Commons and the Senate.

## The Role of the Opposition



In Canada, the party with the greatest number of elected representatives that is not the governing party becomes Her Majesty's Loyal Opposition. This party takes the lead in holding the Government accountable for its policies and actions. The leader of this party becomes the leader of the Official Opposition, sitting directly across from the Prime Minister. The duty of the Official Opposition and other opposition parties is to "challenge" government policies and suggest improvements, and present an alternative to the current Government's policy agenda.

Opposition members have various opportunities to influence the formulation of laws and policies, including the daily Question Period in the House of Commons. The Opposition is allocated 20 "Opposition Days" or "Supply Days" each calendar year when it can propose a motion for debate and criticize the Government on issues of broad national policy. Members of opposition parties also serve on parliamentary committees in both the Senate and the House of Commons.

In the Senate, the Opposition often plays a less partisan role. The Leader of the Opposition in the Senate leads the Opposition in debate, coordinates its daily activities and confers with the Leader of the Government in the Senate on its business. The Leader of the Opposition, like the Leader of the Government, is an *ex officio* member of all standing committees and helps coordinate party strategy.

## ***The Administration of Parliament***

The administrative organizations of the Senate, the House of Commons and the Library of Parliament provide a wide range of services to parliamentarians. The Administration in both the Senate (400 employees) and the House of Commons (1,300 employees) works “behind the scenes” to serve parliamentarians. Its support includes procedural and legal services (advice and support for legislative and committee work), precinct services (security, architectural planning, and building support and maintenance) and administrative services (human resources, communications, information technology, printing, finance and corporate management).

### **The Senate Administration**

The Standing Committee on Internal Economy, Budgets and Administration oversees the internal affairs of the Senate, including all administrative and financial matters. Composed of 15 Senators, as set out in the *Rules of the Senate*, it meets on a regular basis, usually holding its meetings in public. All budget applications from Senate Committees are considered publicly. Ad hoc sub-committees are appointed from time to time to deal with specific issues relating to, for example, communications, information technologies, finance and personnel, or accommodation and facilities.

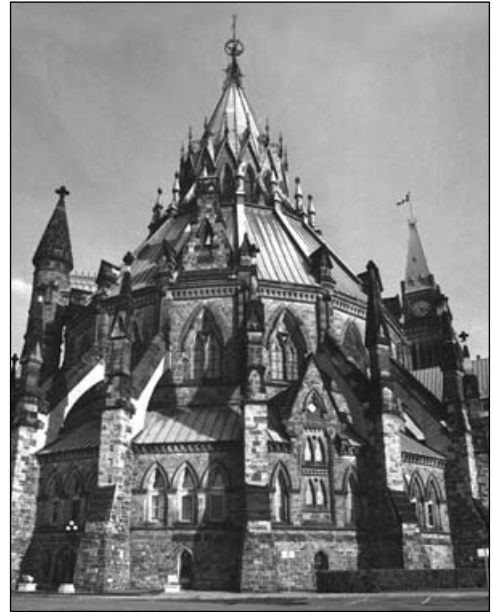


### **The House of Commons Administration**

The *Parliament of Canada Act* entrusts the financial management of the House of Commons to the Board of Internal Economy (BOIE). The Board is composed of 11 Members of the House of Commons, chaired by the Speaker of the House of Commons, and includes representatives of the governing party and all recognized opposition parties.

### **The Library of Parliament**

The administration of the Library of Parliament is entrusted to the Parliamentary Librarian who manages according to orders and regulations approved by the Speakers of the two Houses, assisted by a standing joint committee of Senators and Members of the House of Commons. Established at Confederation to meet the information needs of the newly-created Parliament of Canada, the Library of Parliament today provides comprehensive information, documentation, research and analysis services to parliamentarians and their staff, committees, associations and delegations, and senior Senate and House of Commons officials. Over 600,000 documents — including books, periodicals, brochures and theses — line the shelves of the Library, which also serves Parliament through the use of “state-of-the-art” information technologies and a collection of well over one million items (books, periodicals, brochures and Library microforms), of which over 400,000 titles are catalogued in the integrated system. In addition, the Library offers a full range of research services, provided by its staff of lawyers, economists, scientists and government and social policy specialists. All Library services are provided on a strictly confidential and non-partisan basis.



Although its library and research services are reserved for parliamentarians and Parliament, the Library offers a range of products and services designed to promote public awareness about the history, role and activities of Parliament. The Library produces information kits, brochures and fact sheets for distribution to the public, organizes guided tours and visitor programs in the Parliament buildings, and offers educational programs and services — such as the annual Teachers’ Institute on Canadian Parliamentary Democracy.

## Private Members



The term “private Member” refers to any Member in either the Senate or the House of Commons, sitting with the Government or the Opposition, who does not hold an office or a partisan leadership position. Also called “backbenchers” because they do not usually sit in the first row, these parliamentarians constitute the vast majority of the membership in the Senate and the House of Commons.

While most of the business debated in Parliament is sponsored by the Government, private Members also have the opportunity to bring forward their own initiatives for consideration by their respective Houses. Any private Member proposing a bill must make sure that it does not involve the expenditure of public money, as such bills can only be sponsored by a minister in the House of Commons.

In the Senate, individual Senators have a variety of opportunities to bring matters of particular concern before the entire Senate on any sitting day. With one or two days’ notice, a Senator can launch a debate or an inquiry that is non-votable, seek to establish a committee to investigate any topic falling within federal jurisdiction or present a bill for adoption by Parliament.

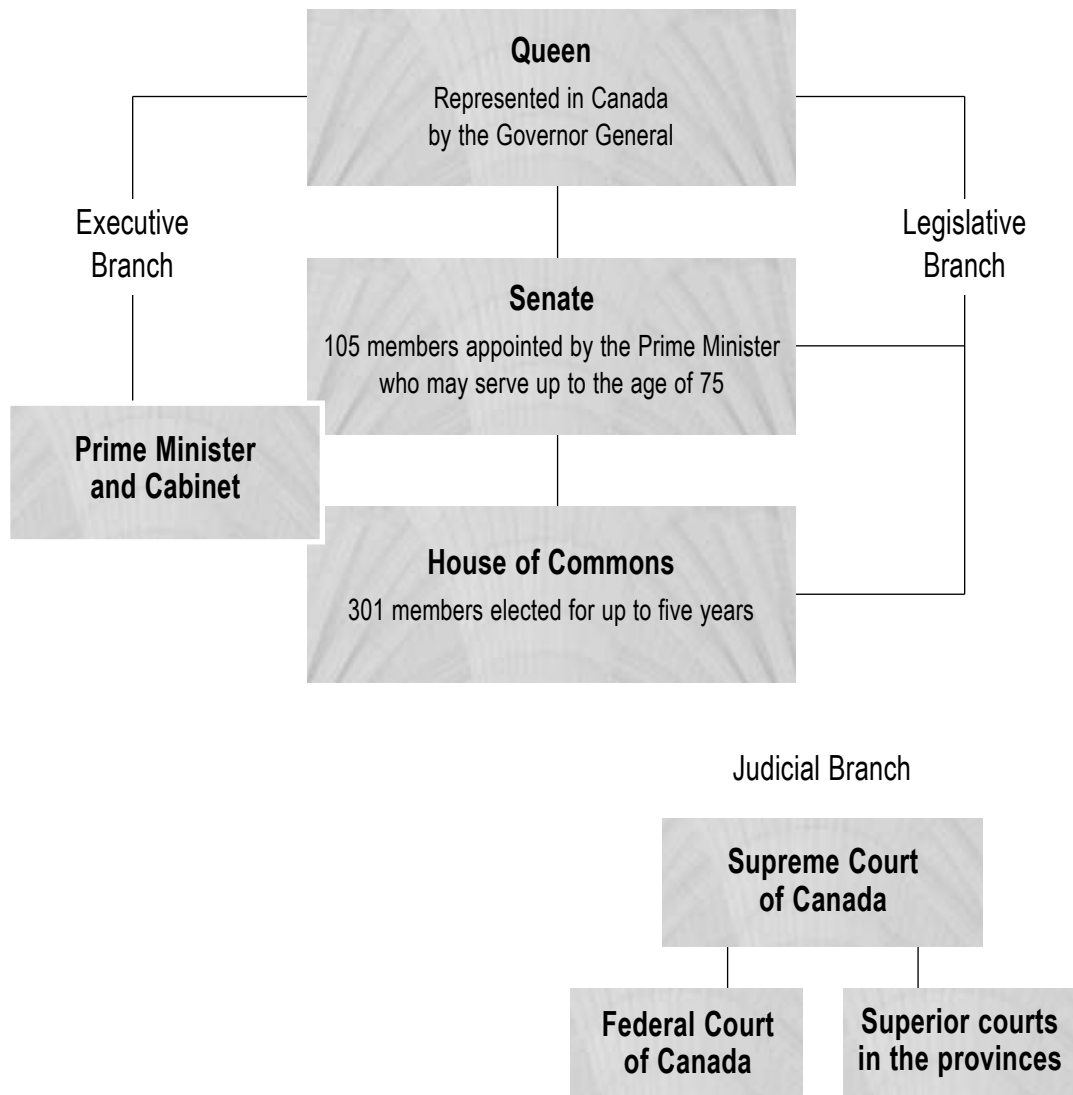
In the House of Commons, consideration of business proposed by private Members is limited to five hours each week. As in the Senate, these items of business can include motions or bills. Private Members must manage a series of steps in competition with other Members that tends to limit the number of private Members’ motions or bills that are actively voted upon during the course of a parliamentary session. Nonetheless, Private Members’ Business is an important vehicle for airing the concerns or preoccupations of parliamentarians and the citizens they represent.

## ***The Broader Context of Parliament***

Parliament as a legislative body functions as an instrument of government within a broader structure that includes the Executive Branch and the Judicial Branch.

In the Westminster-based model of parliamentary government, the Executive, comprised of the Prime Minister and the Cabinet, is incorporated into Parliament, while retaining a separate sphere of authority and autonomy. The Judiciary, consisting of the Supreme Court and all the other courts of the land, is the third branch of government that is also independent of either Parliament or the Executive.

## **Canada's Parliamentary System**



### **The Prime Minister and Cabinet**

By convention, the leader of the political party with the largest number of seats in the House of Commons is appointed Prime Minister. Members of the Cabinet are selected by the Prime Minister, primarily from the elected members of that party. Together, the Prime Minister and the Cabinet form the executive branch of Parliament, appointed to carry out actions authorized by Parliament and govern the country.

Traditionally, the Prime Minister tries to ensure that every province is represented by at least one Cabinet Minister. If voters in a province do not elect any government supporters, the Prime Minister may choose a Senator from that province for the Cabinet.

Most Cabinet Ministers are responsible for the administration of one or more government departments and report to Parliament on their departments' activities. To ensure a productive relationship between the Cabinet and the Senate, the Leader of the Government in the Senate usually serves as a Cabinet Minister — the benefit being that there is someone in the Senate who can speak for the government of the day.

The Prime Minister and Members of Cabinet are accountable to the House of Commons. Ministers answer questions, propose legislation and defend the policies on behalf of their department and the Government against the scrutiny of the opposition parties.

### **The Federal Bureaucracy**

The laws and policies of Parliament are put into practice by a network of federal departments. The division of responsibilities among departments is largely functional (for example, communications, industry, health). The Privy Council Office (PCO), in particular, is closely linked to the work of Parliament, serving a dual role as the Prime Minister's department and the Secretariat to the Cabinet. PCO provides support to the Prime Minister in such areas as priority setting, policy development and coordination, ministerial mandates and government organization, national security and senior appointments. In its role as Secretariat to the Cabinet, PCO offers strategic policy advice, organizes Cabinet and its committee meetings, briefs their chairpersons, records committee decisions and distributes information to interested parties.

### **The Judicial Branch**

A cornerstone of Canada's system of government is an independent judiciary. The "rule of law" means that no one is above the law — not the Government or the Prime Minister, not the Queen or the Governor General, nor Parliament itself, and nor the courts themselves. This is especially important in a country like Canada with a federal



system of government where legislative powers are divided between the national and provincial governments, and with a constitutional Charter of Rights and Freedoms. Since 1949, when appeals to the British Privy Council were finally abolished, the Supreme Court has been the highest court in the land. It makes final decisions on the interpretation of law based on the Constitution. The court is composed of nine judges, three of whom must come from Quebec. Judges of the Supreme Court and higher level federal and provincial courts are appointed by the Governor General on the advice of Cabinet and hold office until they reach age 75.



*The Work*

III



The Senate



The House of Commons

**P**arliamentarians, whether they are Senators or Members of the House of Commons, must fulfill many roles — not only do they represent their constituents and act as loyal party members, they act as ombudsmen, law-makers and as watchdogs on the Government and the bureaucracy.

On a typical day, a parliamentarian might meet with the media, members of the public or colleagues; find time to respond to a mountain of correspondence and telephone messages; prepare speeches for the Chamber; and review background documents for their work in committees. It is a job that takes them on a well-worn path between the Senate Chamber or the House of Commons, caucus and committee rooms, and their parliamentary and constituency office. For most, it involves long hours.

One of the “constants” in parliamentarians’ work — whether it is in the Senate or in the House, in caucus or in committee — is the careful deliberation and debate of issues. This is the fundamental guarantee that decisions are thoroughly considered and that key issues are brought to the attention of the Canadian public.

### ***They represent ...***

Parliamentarians put the principle of representative government to work by listening to the views of their fellow citizens, acting as intermediaries on their behalfs, as well as advocating views and suggesting policy initiatives. However, most parliamentarians belong to a political party and, as such, they also support their party’s policies and participate in party activities.

*In the Senate:* Senators are appointed and perform duties in their senatorial divisions in a different way than Members of the House of Commons perform duties in their constituencies. Under the law, Senators must reside in the province from which they are nominated. Senators are expected to take an interest in the regional impact of legislation and policies. Some also adopt informal constituencies — focusing their attention on groups or regions whose rights and interests are often overlooked. The young, the poor, seniors, veterans — these are some of the groups who have benefitted from having a public forum through Senate investigations.

*In the House of Commons:* As elected representatives, Members of the House of Commons are expected to take into account the interests of constituents as they carry out their responsibilities. They also serve as ombudsmen, responding to phone calls and letters from their constituents with problems they want taken up with government departments and agencies. These concerns are wide ranging, and include employment insurance, social welfare cases, pensions, immigration matters, farming and business issues. Members also attend a multitude of events and functions, in their communities and elsewhere in the country. To accommodate the various needs of their constituents, Members maintain offices both in their constituencies and in Ottawa.



## Key Roles in the Chambers

The **Speaker of the Senate** is appointed on the advice of the Prime Minister to preside over the deliberations of the Chamber. The Speaker ensures the orderly flow of debate and, subject to an appeal to the full Senate, rules on any procedural issues. The Speaker's Chair is on a raised platform in front of the thrones reserved for the Sovereign or the Governor General and their consort.

The **Speaker of the House of Commons** is chosen by fellow Members by secret ballot to preside over the deliberations of the House and to act as the spokesperson for the Commons. The Speaker ensures that all rules and procedures are followed. Because the position is non-partisan, the Speaker debates or votes, only to break a tie. The rulings of the Speaker are final and may not be challenged. As the Chair of the Board of Internal Economy, the Speaker oversees the administration of the House of Commons.

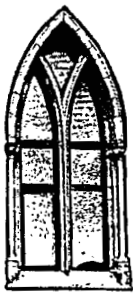
The **Clerk of the Senate** who is also the **Clerk of the Parliaments** is appointed by the Governor in Council as the Senate's chief executive officer and is ultimately responsible for its day-to-day operation. In the Chamber, the Clerk manages various aspects of the legislative process, from swearing-in of new Senators to advising the Speaker on parliamentary procedure and interpretation of the rules. As Clerk of the Parliaments, the Clerk is the custodian of all original Acts and certifies the authenticity of copies of these Acts.

The **Clerk of the House of Commons** is appointed by the Governor in Council as the chief executive officer of the House of Commons and serves as Secretary to the Board of Internal Economy. The Clerk advises the Speaker and Members of the House of Commons on parliamentary procedure and practice, and keeps the official record of proceedings.

The **Usher of the Black Rod**, acting as a royal messenger, delivers all summons calling the House of Commons to hear the Speech from the Throne, which inaugurates a new Parliament or session, or to observe the Royal Assent ceremony, the final parliamentary step in making bills law. The title of the position comes from the ebony cane carried by the Usher and is a symbol of the office, designed specifically to knock on doors such as those of the House of Commons.

The **Sergeant-at-Arms** is the officer of the House of Commons responsible for security within the Chamber at the direction of the Speaker. He bears the Mace — symbol of the authority of the House — when accompanying the Speaker in the daily parade into the Chamber and to the Senate at various times.

*Behind the scenes:* In addition to supplying financial and materiel office support, administration staff ensure that parliamentarians are able to communicate efficiently — both within the parliamentary precinct and with constituency offices or various interest groups. Staff explore and implement technological solutions, such as the Internet and E-mail services, and keep users well trained in the operation and application of new systems. Administration staff have also introduced monitoring aids to help parliamentarians track how their budgets are being used and to identify cost-saving opportunities including for example, reduced travel costs and materiel management efficiencies.



## **Window on the Constituency Office**

**W**hen they are not attending the Chamber or committee meetings, Members of the House of Commons must find time to keep up with their constituency work. While each constituency is distinctive and each Member of the House of Commons has a personal style and vision, work in the constituency normally includes attending many events and functions, keeping in touch with community leaders and members of the media, meeting with constituents and others, making representations on behalf of constituents, ensuring that information is received by people in the riding, and so forth.

# “How Does a Bill Become a Law?”

## An Overview of the Legislative Process

### 1

#### **Passage through the first House** (sometimes the Senate, usually the House of Commons)

The process in each Chamber is similar:

- First reading (the bill proposing a law is received, printed and circulated)
- Second reading (the principle of the bill is debated: is the bill good policy?)
- Committee stage
  - Step one: Ministers, department officials, experts and members of the public appear as witnesses before a committee\*
  - Step two: Committee members study the bill, clause by clause
  - Step three: The committee adopts a report on the bill, recommending that it be accepted as is, or with amendments, or that it not be proceeded with further
- Report stage (in the House of Commons, motions to amend specific clauses of the bill are considered by the whole House, while in the Senate it is the committee report which is considered and amendments can be proposed)
- Third reading (final approval of the bill; in the Senate, further amendments can be considered at this stage)

### 2

#### **Passage through the second House**

### 3

#### **Royal Assent by the Governor General makes the bill law**

\* NOTE: Although a bill normally enters the committee stage after second reading, recent changes have made it possible for a bill to be sent to committee before it is adopted for second reading.

## ***They legislate ...***

Together, Senators and Members of the House of Commons scrutinize legislative proposals, contributing their ideas and energy to the creation of Canada's laws. In fact, most of the daily debate in the chambers and much of the work in parliamentary committees concerns legislative initiatives. Drawing on the opinions of their constituents and other interested parties, conducting in-depth research, consulting with their party caucus and guided by their personal convictions, parliamentarians take part in an ongoing process of hearing, debating and revising the Government's legislation and considering the merits of the specific legislative issues before them. As shown in the sidebar "[How Does a Bill Become a Law?](#)" (p. 26), both the Senate and the House of Commons must pass a bill in identical form before it receives Royal Assent and becomes law.

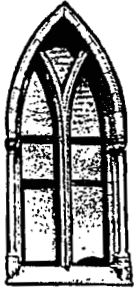


### **The Power of the Purse**

**E**ach year, the Minister of Finance makes a statement about the details of the Government's financial intentions. Known as the "Budget Speech", this statement sets out the Government's broad plans and projects for the upcoming year, including the amount of money needed to finance these activities and how this money will be obtained. To raise the money called for in the Budget Speech, the Minister of Finance puts forward "Ways and Means motions", which are authority for bringing in a taxation bill. The "Business of Supply" refers to the process of estimating expenditures, examining and debating these estimates, and authorizing expenditures. The full package of proposed government expenditures (the Main Estimates) undergoes committee review and debate in the House of Commons and in the Senate. A bill based on the Estimates, known as an appropriation bill, is always considered first by the House of Commons, then in the Senate, before it receives Royal Assent. Other opportunities are also provided by the Standing Orders for discussion and debate on matters related to spending.

*In the House of Commons:* Generally, the Government controls the legislative agenda, except on opposition days, with the Cabinet responsible for approving legislative proposals before they are tabled in the House of Commons. Legal specialists in the Department of Justice draft the details of a bill working from instructions. The Bill eventually goes to the full House of Commons and the relevant committee to be challenged and reviewed. Party discipline is generally held firm in the Chamber of the House of Commons. The governing party expects that its members will vote to pass the legislation on its agenda and the opposition parties generally present an organized challenge to the Government's proposals.





## Window on the Caucus

Every Wednesday morning when Parliament is in session, Senators and Members of the House of Commons meet together in private in their respective national party caucuses. Here, they make the views of their constituents known, set parliamentary strategy and decide party policy. It is also here — away from television cameras, reporters and partisan opponents — that Members can relax “the party line”, disagreeing with their colleagues and questioning their actions. In addition, Members often work with regional caucuses, and can access the services of their party research offices.

(The word “caucus” is thought to come from the Algonquin Native term, *cau'-cau-as'-u*, meaning “advisor”.)

*In the Senate:* Before they become law, all bills must be approved by the Senate, where they pass through a process similar to that of the House of Commons. The Senate enjoys a more flexible timetable and less rigid rules about party discipline than the House of Commons. Senators can engage in lengthy and free-ranging debate, using their considerable expertise and diverse backgrounds in a detailed assessment of a bill and often making substantive or clarifying amendments to the proposed legislation. Bills — other than those involving money — can also be initiated in the Senate. While the Senate has the authority to reject legislation of the House of Commons, this power is seldom used.

*Behind the scenes:* The administrations of both the Senate and House of Commons provide comprehensive services to support the legislative process. Procedural and legal specialists research and review draft legislation. As well, specialists at the Library of Parliament provide research and advice on policy aspects of legislation, as well as analysis and background information on government bills. Administrative personnel explore and implement initiatives designed to reduce paper and increase efficiency — including distribution of committee notices and documents by electronic mail, data links between the two Chambers and the translation bureau, digital audio recording in Chamber and in committee, and electronic distribution of documents. Security officers in the Senate and the House of Commons ensure the safety of parliamentarians, their staff and visitors, access current employee and visitor data at their posts, and issue temporary passes for employees and business visitors.

### ***They investigate ...***

An essential element of parliamentarians' work is the study and examination of issues, policies and programs. Much of this investigative work is done in committee, a forum which allows Senators and Members of the House of Commons to study issues in considerably more depth than is possible in either Chamber.

*In the Senate:* In addition to their work on legislation in committees, Senators undertake a broad range of investigative work. Senators possess diverse backgrounds and interests — scan the ranks of the Senate and you will see business people, lawyers, teachers, surgeons, Aboriginal leaders and journalists, as well as experts in a range of areas, such as the environment, manufacturing, economics and, of course, politics. The longer tenure of Senators (up to age 75) allows them to build up significant expertise in their areas of investigative interest.

Individual Senators can raise an issue in the Senate for debate — a process that sometimes leads to an “Order of Reference” or even establishment of a Senate committee. In this way, Senators can undertake studies of major social and economic issues that may not be a part of the Government's legislative agenda. Overall, Senate committees tend to be less partisan than Commons committees and allow more time for exhaustive analysis of important issues.

*In the House of Commons:* As part of their committee work, Members hear individuals and groups daily who have views about the legislative proposals and policies of the Government. Approximately four-fifths of all House of Commons committee studies are self-initiated and, unlike Senate committees, do not require an official “Order of Reference” before they are undertaken. Through briefs, letters and appearances at hearings, committees give members of the public and experts an opportunity to provide their input into governance. Opposition committee members use this forum to ask specific questions to Ministers and senior public servants about the management of departments and Crown corporations. Lobby groups attend committee sessions to present their constituents' views and establish contact with the country's decision-makers.

*Behind the scenes:* Library staff respond to about 100,000 queries each year and support the work carried out in committees, through issue briefings, background analysis, proposals for studies and report drafting, along with more conventional information products. The Senate and House of Commons administration provide a range of services — giving procedural research and advice to committee Chairs and members; coordinating stakeholder submissions and appearance of witnesses; preparing agendas, minutes and reports; distributing documents reviewed or produced by committees; drafting amendments to bills and recording and transcribing proceedings.

### ***They oversee ...***

In a parliamentary system of government, Cabinet's authority to govern is balanced by its accountability to the legislature. One of the major roles of parliamentarians is to protect the public interest by carefully scrutinizing government activity. Close monitoring by the Opposition ensures that important issues are raised and made public. Review of government legislation is one example of parliamentarians' surveillance role.

*In the House of Commons:* The best known form of surveillance is Question Period, which is often the focus of strong media interest. On any given day, Ministers must be ready to set out and defend their positions on a wide range of issues, from child poverty to taxation policy, from a crisis in a northern community to an international trade dispute. Question Period gives the Opposition opportunities to challenge the Government's actions and Cabinet Ministers the chance to defend them.

During the budget debate, four days are set aside in the House of Commons for discussion of the Government's taxation and general financial policy. Members of the House of Commons also play an important surveillance role in the post-audit stage of government spending, by calling attention to any examples of waste and inefficiency revealed in the Auditor General's reports to the House of Commons. Another special debate — one not confined to budgetary matters — takes place following the Speech from the Throne, in which the Government outlines its major legislative initiatives for the upcoming session of Parliament.

*In the Senate:* As the House of "sober, second thought", the Senate fulfills an important "watchdog" role in Parliament, carefully scrutinizing the Government's policy and legislation. In some cases, the existence of the Senate may act as a check on the Government initiatives which may not withstand close Senate examination. During Question Period, Senators seek information from the Leader of the Government in the Senate about government actions and policies.

*Behind the scenes:* A whole range of administrative services ensure the smooth functioning of parliamentarians' work. Staff prepare and distribute information on the agenda, status and minutes of both Senate and House of Commons business. In addition to recording debates and decisions, and providing procedural support to officers in each Chamber, administration personnel oversee the televising and transcription of proceedings and ensure that appropriate security measures are applied. Library staff produce compilations, offer electronic news monitoring service, recent articles and in-depth studies on issues relevant to the work of parliamentarians.



# *Continuing Traditions*

## IV



**T**he ideals and activities of Canada's Parliament have deep roots in history and tradition. This heritage provides an invisible structure that guides the work of parliamentarians and gives them the ability to address issues of substance, to discuss and debate in a vigorous yet orderly fashion, and develop and adapt laws that keep pace with the needs of Canadians. Many of Canada's parliamentary traditions are based on the parliamentary precedents inherited from Great Britain.

*For example:*

- At the beginning of a new Parliament, the Commons' Speaker enters the Senate Chamber and requests confirmation of the rights and privileges of the House of Commons on the Members' behalf. In Canada, these rights and privileges are confirmed in the *Constitution Act, 1867*. This tradition began in England in 1397 and was common practice by the 16th century when opposition by the Commons to the Crown was a potentially dangerous business.
- The Queen, or her designate, takes her place in the Senate Chamber but refrains from entering the House of Commons — a British tradition rooted in the Commons' response to an outrage committed by Charles I.
- As a symbolic protection of the power of the Speaker of the House of Commons, the Sergeant-at-Arms leads the Speaker's Parade carrying the Mace to open the day's sitting. The Mace represents the authority given by the King or Queen to the House of Commons to meet and decide on the laws of the country. The House of Commons cannot hold proceedings without the Mace. When the House is sitting and the Speaker is in the Chair, the Mace lies in brackets on the Clerk's Table with the crown pointing to the Government, on the Speaker's right. In the Senate, the Mace bearer places the Mace on the Clerk's Table with the crown facing the Throne.
- The Usher of the Black Rod knocks on the Chamber's centre door to command the members of the House of Commons to the Senate for ceremonies such as the Opening of Parliament, the Speech from the Throne and Royal Assent.
- Tax or supply bills are tied with a green ribbon (symbolizing the House of Commons) to differentiate them from other bills, which are bound with a red ribbon.

## ***Keeping Traditions Up-to-Date***

Much of the modernization of Parliament ensures that the system continues to fulfill its role in the face of a changing economic, social, technological and cultural climate. From modernizing its buildings, to redefining how the Speaker of the House of Commons is chosen — Parliament's traditions are constantly being adapted to keep the parliamentary system alive, vital and responsive to the evolution of society. Here are some of Parliament's "modern traditions":

- Simultaneous interpretation services are provided in the Senate and the House of Commons, giving parliamentarians and members of the public immediate access to proceedings in either English or French.
- Since October 17, 1977, the House of Commons has been televised live, making Canada the first country to broadcast the complete proceedings of its national legislature. A 1994 agreement with CPAC (Cable Public Affairs Channel) provides for the satellite distribution of all parliamentary proceedings. Senate committees are now televised regularly on CPAC as well.
- In 1994, a 20-year project was initiated to renovate the Parliament Buildings. The comprehensive program is designed to preserve the heritage buildings for future generations, incorporate new technologies, increase public access to Parliament, ensure the health and safety of users and provide quality space to meet requirements for the 21st century.
- In 1995, the Speakers of the Senate and the House of Commons officially launched the *Parliamentary Internet*, an award-winning World Wide Web site offering Canadians and the world information on the institutions of Parliament and their history, debates and committee evidence, and other parliamentary publications.
- *Hansard*, the written record of parliamentary debates in the Senate and the House of Commons, is published overnight in both English and French and available on the Internet through the *Parliamentary Internet site* at <http://www.parl.gc.ca>.
- Video teleconferencing of committee meetings has been on the rise since 1994, allowing parliamentarians to receive the testimony of witnesses from across the country or around the world — rapidly and conveniently, saving travel costs.
- Since the mid-1980s, key reforms have been made to the operations of the House of Commons, including:
  - giving committees an expanded mandate and greater independence
  - expanding the role of private members of the House of Commons
  - electing the Speaker of the House of Commons by secret ballot

Canada's Parliament continues to meet the changing needs of Canadians and parliamentarians. In a democratic system, there is a spirit of openness about how Parliament works, and the tools and information available to parliamentarians will likely become increasingly sophisticated — promoting greater efficiency, effectiveness and responsiveness among parliamentarians and the organizations supporting their work.

In the words of the Honourable Eugene Forsey, 1904-1991:

“... government is our creature. We make it, we are ultimately responsible for it, and, taking the broad view, in Canada we have considerable reason to be proud of it. Pride, however, like patriotism, can never be a static thing; there are always new problems posing new challenges. The closer we are to government, and the more we know about it, the more we can do to help meet these challenges.” (*How Canadians Govern Themselves*, 4th Edition, 1997)



# Images

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