

**HOUSE OF COMMONS PROCEDURE:
ITS REFORM**

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N.B. Any substantive changes in this publication which have been made since the preceding issue are indicated in **bold print**.

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HOUSE OF COMMONS PROCEDURE:
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ISSUE DEFINITION

Parliamentary procedure is the set of rules governing the activities of a legislative assembly. These rules can be in the form of provisions in the Constitution or Acts of Parliament. For example, section 48 of the *Constitution Act, 1867*, sets the quorum in the House of Commons at 20 Members, while sections 42 to 44 of the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, as amended, outline the procedure to be followed when the Speaker of the House is absent. Most of the rules, however, are set out in the *Standing Orders of the House of Commons*, with any omissions or shortcomings supplemented by reference to past procedure or practices in the House of Commons and to Speakers' rulings. Guidance can also be obtained from procedural texts, such as *House of Commons Procedure and Practice* by Robert Marleau and Camille Montpetit.

Far from being a series of unchanging rules, procedure (particularly as set out in the Standing Orders) is constantly evolving in an attempt to adapt the capacities of Parliament to a changing environment. This paper identifies recent trends and developments in parliamentary procedure, and assesses their impact on the evolving role of Parliament.

BACKGROUND

The efficiency of Parliament, viewed primarily as a processor of government legislation, was the dominant objective of procedural reform from before the turn of the 20th century until the early 1980s. The need for improved efficiency was a product of long-standing trends in

* The original version of this Current Issue Review was published in May 1982; the paper has been regularly updated since that time.

government which accelerated steadily during this period. The rise of the modern interventionist state brought with it a vast increase in the volume and complexity of government legislation placed before Parliament. This created pressures for government legislation to be accorded priority as a matter of business, and for the procedures governing the conduct of all legislative business to be streamlined.

Successive reforms increased the speed of Parliament's legislative work, but substantially reduced the capacity of individual Members to make independent contributions. Some random instances of a general trend include:

- the reduction in the amount of House time available for the consideration of Private Members' Business;
- the institution and subsequent tightening of time limits on speeches;
- the practice of allocating a specified amount of House time for the debate of any given bill; and
- the establishment of time limits on oral questions.

The focus on efficiency continued to dominate procedural reform. Reforms in 1968, for example, reduced demands on House time by moving the in-depth review of bills following Second Reading and the scrutiny of budget estimates off the floor of the House – where they had been performed, often at protracted length, in Committee of the Whole – and into revamped standing committees. A strict timetable was established for the adoption of the departmental spending estimates, supplementary estimates and interim supply. Although the new arrangements enhanced the efficiency of the House, they increased the sense of futility among backbenchers, who remained subject to tight party discipline imposed by the Whips, and whose private Members' bills and motions had little chance of being adopted.

It was not until the mid-1970s that concerns about the effectiveness of Parliament began to include wider considerations than merely the elimination of legislative bottlenecks. In 1976, Auditor General J. J. Macdonnell delivered a highly publicized warning that Parliament was in danger of losing control of the public purse, prompting a series of proposals for more meaningful scrutiny of government spending proposals and for enhanced committee scrutiny of the activities of Crown corporations. Proposals made by the Business Council on National Issues (1979 and 1982) and the Royal Commission on Financial Management and Accountability (1979) also focused on the need to restore the influence of Parliament.

A number of academic works of this period highlighted the above concerns. Parliament was portrayed as a body of generalists increasingly overpowered by the complexity of modern legislation, displaced by expert bureaucrats and organized interest groups competing for influence on government, and reduced by party discipline to the role of the ritual rubber stamping of initiatives originating elsewhere.

PARLIAMENTARY ACTION

A. Provisional Amendments to the Standing Orders of the House of Commons (December 1982)

In the context of new concerns about the effectiveness of Parliament, a special committee was empowered in May 1982 to examine comprehensively the Standing Orders and Procedure of the House. Amendments to the Standing Orders recommended by the Committee established such innovations as a regular parliamentary calendar and, in the continuing pursuit of efficiency, a reduction in the maximum length of individual speeches from 40 to 20 minutes and of speeches at the report stage to 10 minutes.

More significant were recommendations intended to strengthen the standing committees as a means of enhancing Parliament's effectiveness in scrutinizing and, when necessary, altering legislation. The resulting reforms, put into effect provisionally in December 1982:

- reduced the size of committees to between 10 and 15 members in order to foster the growth of specialized expertise;
- heightened the continuity of membership by restricting substitutions to a list of formally designated substitutes;
- provided for the automatic referral of departmental and Crown corporation annual reports to the appropriate committee; and
- stipulated that committee reports could require the government to provide "a comprehensive response" within 120 days of their being tabled.

In addition to initiating these reforms, the Special Committee on Standing Orders and Procedure (known as the Lefebvre Committee after its chairman, Tom Lefebvre) gave extensive attention to the problem of accountability, particularly as it related to Parliament's scrutiny and oversight of government expenditures. It was proposed that the Standing Committee on Public

Accounts be supplemented by three new scrutiny committees, and that the committee system be further strengthened through greater functional specialization, the provision of more professional staff, and more extensive use of subcommittees. However, these recommendations were not considered by the House prior to the dissolution of the 32nd Parliament in 1984.

B. The Special Committee on the Reform of the House of Commons

A Special Committee on the Reform of the House of Commons, announced in the Speech from the Throne of 5 November 1984, was created on 5 December of that year. This seven-member special committee was appointed to examine the powers, procedures, practices, organization and facilities of the House of Commons, bearing in mind the balance between the respective constitutional responsibilities and roles of the House of Commons. The Committee is often referred to as the McGrath Committee after its chairman, the Hon. James McGrath.

After tabling (on 20 December 1984) a first report containing many of the recommendations set out in the reports of the Lefebvre Committee of the previous Parliament, the Committee continued its work during the winter. It tabled a second report, containing original proposals largely relating to immediate concerns of Members and House operational matters, on 26 March 1985. Among the more noteworthy of these were proposals for the transfer from the Department of Public Works of responsibility for planning and maintenance on the Hill to a new officer responsible directly to Parliament, and for the implementation of an electronic voting system in the House.

In its third report, tabled later in 1985, the Committee presented a series of recommendations which were the basis of the current committee system, and which were related to concerns about the effectiveness of Parliament:

The purpose of reform of the House of Commons in 1985 is to restore to private members an effective legislative function, to give them a meaningful role in the formation of public policy and, in so doing, to restore the House of Commons to its rightful place in the Canadian political process. (Special Committee on the Reform of the House of Commons, *Third Report*, June 1985, p. 1)

The McGrath Committee recommendations included:

- changes to make the committee structure more closely parallel the departmental structure of government;
- the enhancement of committee powers for obtaining information from departments;

- the transfer of the detailed scrutiny of legislation to legislative committees, which would allow standing committees to focus on policy matters and the review of departmental estimates;
- reduction of the size of committees to (normally) seven members;
- Members should have increased control over the selection of substitutes;
- committees should be furnished with independent budgets and the authority to hire specialized staff;
- committees should be authorized to review non-judicial Order in Council appointments (or, in some cases, nominations for appointment); and
- powers of regulatory review should be strengthened.

The scope of the Committee's third report was by no means confined to the committee structure. It was also concerned with restoring to private Members an effective legislative function and giving them a meaningful role in the formulation of public policy. The Committee concluded that votes on a wide range of issues need not be seen as matters of confidence and, while not advocating procedural change, called for greater flexibility by governments and opposition parties in the exercise of party discipline. The Committee also called for reforms permitting private Members' bills to contain financial provisions and increasing the likelihood (which had become minimal) that such bills and motions would actually be voted on.

C. Action Taken on the Reports

1. Reforms Adopted in June 1985

A major step in implementing the recommendations contained in the first report was taken on 27 June 1985 when the House adopted legislation amending the composition of its Board of Internal Economy to ensure representation from both sides of the House. The composition of the new Board of Internal Economy included: the Speaker; the Deputy Speaker; two Ministers selected by Cabinet; the Leader of the Opposition or his/her representative; two Government Members; and two Opposition Members, one of them representing the Official Opposition.

Among the changes to the Standing Orders also adopted (on a provisional basis) was a new procedure for electing the Speaker, designed to put the choice in the hands of the Members, rather than the Prime Minister. Voting is by secret ballot, and Ministers and party leaders are not

eligible to be candidates. The process is potentially a lengthy one if there are many candidates in the running; the election of a Speaker requires successive ballots, each involving the elimination of the candidate with the lowest number of votes, until one candidate obtains an absolute majority. This new procedure was first applied in September 1986 when the House elected the Hon. John A. Fraser as its Speaker on the eleventh ballot.

As well, a distinct class of temporary committees – known as legislative committees – was created to undertake the detailed scrutiny of bills following Second Reading. Aside from having larger memberships and mandates defined in terms of an individual bill, these committees were similar in powers and operation to standing committees.

2. Reforms Adopted in February 1986

Following lengthy negotiations among the parties, further amendments to the Standing Orders of the House of Commons came into force on 24 February 1986, initially on a provisional basis. These amendments added several important new chapters to the Standing Orders and were the most significant changes since 1968.

The new Standing Orders provided for the review of delegated legislation and of Order in Council appointments. The then Standing Joint Committee on Regulations and Other Statutory Instruments (now the Standing Joint Committee on Scrutiny of Regulations) was empowered to report to the House recommending the disallowance of a statutory instrument it has studied. A notice of motion for adoption of the report is placed on the *Notice Paper*; if it is not rejected by the House within the next 15 sitting days, the report is deemed adopted by the House and the statutory instrument is consequently deemed repealed.

It was also decided to bring an element of parliamentary scrutiny to Order in Council appointments. Under the new Standing Orders, non-judicial Order in Council appointments are automatically referred to the appropriate standing committee; the committee has 30 sitting days in which to call the appointee or nominee to appear before it so that it may examine his or her qualifications and competence to perform the duties of the post. Committees can report recommendations to the House but do not (as does the Senate in the U.S. system) have the power of confirmation.

The rules governing Private Members' Business were rewritten to increase the likelihood that the House will reach some decisions rather than merely discussing issues. From time to time, there is a random draw to establish an order of precedence for a certain number of private

Members' bills and motions. A committee then meets to select, after the necessary consultation and according to their importance, a number of items which will be designated as votable items. The report of the committee is tabled in the House and deemed adopted. The votable items receive an increased number of hours of consideration at the Second Reading stage, and must then be voted on.

The Standing Orders of 24 February 1986 created 25 standing committees, most of whose mandates were defined in terms of departmental policy areas, and three joint committees. Committee powers to obtain information – including the full array of governmental policy documents, draft legislation, expenditure plans, and evaluation studies – were enhanced. As well, the size of committees was reduced to (normally) seven members, so that the typical Member would sit on fewer committees and could focus on them more intensively. In the event of their inability to attend meetings, Members were given more control over the selection of replacements. Committees were also provided with independent budgets (with funds being allocated, subject to ratification by the Board of Internal Economy, by a Liaison Committee of committee chairs) and the authority to hire specialized staff.

The 1986 reforms also placed new constraints on the obstruction of House business: rules governing the division bells were changed (a belated response to the bell-ringing episode of March 1982), and a time limit was placed on emergency debates. Noteworthy among the numerous other changes introduced in 1986 was the deletion of reference to Great Britain at the beginning of the Standing Orders: Speaker's rulings must now be based on the precedents of the House of Commons and on "parliamentary tradition in Canada and other jurisdictions."

3. Fine-Tuning the Reforms, 1986-1990

The complex procedure governing the examination of Private Members' Business made a technical adjustment necessary to accommodate the absence of Members whose business was scheduled for debate. Through a special order dated 18 December 1986, the House authorized the Speaker, with the permission of the Members involved, to arrange an exchange of positions in the order of precedence of Private Members' Business. In its third report, the Standing Committee on Elections, Privileges and Procedure ratified this idea.

In its fourth report, dated 7 April 1987, the Standing Committee proceeded to assess the experience of the past year or so. On the basis of responses by 140 Members to a detailed questionnaire, it concluded that there was:

... overwhelming support for the continuation of the present reforms. While there were some who were concerned that the new provisional rules had not provided Members with sufficient opportunity for input into the policy-making process, there was general support for many of the changes. However, some standing orders were the subject of criticism. ... The “New House” predicted by the Reform Committee [McGrath] is well under construction... (*Votes and Proceedings of the House of Commons*, 7 April 1987, p. 705)

After declaring itself in favour of the new procedure for the election of the Speaker of the House, the Committee suggested various modifications aimed at reducing the number of candidates both before and during the vote. Although the review of activities of standing committees was favourable, the Committee recognized that scheduling conflicts between legislative committees posed a problem. It responded by proposing that no more than six legislative committees be authorized to sit at any one time.

After several extensions to permit continuing discussion, on 3 June 1987 the House unanimously made the provisional Standing Orders permanent, with several revisions. Among these were:

- standing committees were prevented from sitting at the same time as legislative committees dealing with bills affecting their mandated department;
- legislative committees were given precedence over others while the House was sitting, and other committees (as ranked by the Chief Government Whip) were given precedence during periods of adjournment;
- the time allowed for preparation of a comprehensive government reply to a committee report was extended from 130 to 150 days;
- a Member was allowed to move an item of Private Members’ Business to speak for 20 minutes rather than 10; and
- appeals of Speaker’s decisions concerning emergency debates were prohibited.

On 5 April 1989, the House reduced the number of regular standing committees from 25 to 19, excluding the striking committee, standing joint committees and special committees. The 27 September 1989 creation of the Standing Committee on Multiculturalism and Citizenship increased the number to 20. The reduction in the number of committees was intended to address two problems apparent during the previous Parliament: scheduling conflicts, and heavy burdens

imposed on the time and energy of Members by multiple committee workloads. The effectiveness of this strategy appears to have been undermined, however, by increases in the size of many committees to 14 members.

On 10 May 1990, the procedure governing the selection of private Members' bills for debate was altered to prevent Members from proposing multiple items in order to increase their chance of having one item selected.

4. The Reforms of 1991 and 1992

On 5 October 1990, the Striking Committee presented to the House a report proposing standing committee membership lists which would have reduced committee sizes to 8-10 members, and calling for greater reliance on subcommittees. However, these proposals were not adopted, nor did ensuing months see the achievement of all-party agreement on reforms. Finally, on 26 March 1991, the Government House Leader placed before the House a resolution proposing several major changes:

- measures to prevent a single Member from blocking the presentation of routine motions (25 dissidents would now be required);
- a reduction in the number of sitting days from 175 to 134 (thus enabling Members to spend greater amounts of time in their ridings);
- cuts in the length of some speeches and debates; and
- the establishment of revised procedures for the selection of private Members' bills and motions. The new procedure involved the selection, as votable items, of up to three motions and three bills by a newly created Standing Committee on House Management (combining the mandates of the previous Standing Committee on Privileges and Elections, the Standing Committee on Management and Members' Services, and the Striking Committee).

With respect to the committee structure:

- standing and legislative committees were placed within "envelopes" to which meeting rooms were to be allocated, thus discouraging simultaneous meetings of committees in related policy areas, and within which Members would easily be able to act as substitutes on each other's committees;
- the mandates of some standing committees were modified; and
- provisions were made for guidelines to be developed for the broadcasting of committee meetings and the presence of the electronic media at meetings.

The House adopted the reforms on 11 April 1991 after vigorous debate in which the opposition parties registered strong objections to the procedure and to certain of the proposed reforms. Their passage thus did not involve the multi-party consensus normally obtained for significant procedural change.

Changes to procedure after 1991 carried forward the reforms of that year. On 27 March 1992, in line with the 1991 proposals, the House established experimental guidelines to govern the broadcasting of committee proceedings. The guidelines authorized the broadcasting of the audio feed of committee meetings, and provided for equipping one committee room for television broadcasting on an experimental basis. Various minor changes to the rules for Private Members' Business have also been made, in an attempt to ensure that the system works more smoothly; for instance, the number of items on the order of precedence and the number of votable items was increased.

Governmental endorsement of parliamentary reform was expressed in the federal constitutional (and related) proposals of 24 September 1991 (*Shaping Canada's Future Together: Proposals*). These expressed concerns that Canada's legislative process may have become too partisan and confrontational, and called for changes such as more free votes in the House, greater priority for private Members' bills, and increased visibility for the non-partisan roles played by Members of Parliament. In its report of 28 February 1992, the Special Joint Committee on a Renewed Canada (the Beaudoin-Dobbie Committee) – the parliamentary committee that reviewed these proposals – did not endorse specific reforms, but did call for a comprehensive review of House procedures and practices.

The same concerns underlay the Eighty-first Report of the Standing Committee on House Management, tabled on 1 April 1993. Among the issues addressed was free voting: it was recommended that remaining procedural requirements for the invocation of the confidence convention be deleted, to clarify its status as a political decision. The Committee also gave extensive attention to Question Period; it recommended a tightening of rules in order to remedy negative public impressions, and supplementary procedures such as a weekly in-depth question-and-answer session involving a designated Minister. These recommendations died on the *Order Paper* when the 34th Parliament came to an end.

Additional parliamentary support for reform was expressed on 2 April 1993, when the Liaison Committee tabled a report on the effectiveness of House of Commons committees. This concluded that the committee system established in 1985 as a key mechanism for enhancing the role

of Private Members has substantially increased the opportunity for Members to provide advice on policy. At the same time, however, the potential of many committees to influence policy, either directly or by provoking significant public debate, has not been fully realized. Most of the recommendations relating to committees and their staffs were still awaiting debate when the House rose in June 1993.

D. The 35th Parliament

The need for parliamentary reform was affirmed (with varying degrees of emphasis) by all the major political parties in the federal election of October 1993. This consensus was reflected in the new Parliament. On 1 February 1994, the standing committee structure was revised so that standing committee mandates would reflect the new structure of government departments. On 7 February 1994, the House adopted a more substantial package of reforms, with support from all political parties.

The February 1994 amendments to the Standing Orders established a series of changes intended to enhance the effectiveness of committees, and consequently the influence of backbench Members of Parliament. The common aim of the amendments was to involve Parliament in issues before the government has committed itself to specific legislation or spending plans.

Two new options were created within the legislative process. Under the first, bills may be referred to a committee before Second Reading (acceptance in principle), thereby expanding the scope of the work a committee is able to do, and enhancing the likelihood of fundamental revisions to the bill. Under the second option, a committee may be requested to prepare and bring in a bill. Where this is done, a committee addresses the fundamental issues of principle and policy involved in initiating legislation. Neither of these options, however, was used widely in the 35th Parliament. Use of them was even less frequent in the 36th Parliament.

In addition, an attempt was made to increase the potential influence of committees over government spending. The review by committees of the annual Main Estimates of departments and agencies has been expanded to include, where committees so desire, future spending priorities. This creates the possibility that committee views may be expressed before the finalization of estimates for the following year. With respect to the preparation of the budget, the Standing Committee on Finance is given a specific mandate to conduct annual public consultations in the fall of each year, thus directly involving the Committee in the consideration of proposals.

The motion proposing the amendments also referred a number of wide-ranging reform issues to the Standing Committee on Procedure and House Affairs. These issues included: the reform of Question Period; participatory mechanisms such as citizens' initiatives, recall and referendums; free voting and fixed election dates; and a number of more narrowly procedural issues. The advantages and disadvantages of these potential innovations were examined in the Fifty-fourth Report of the Committee, tabled in the House on 9 December 1994.

Procedural change after February 1994 was generally of a housekeeping nature. On 6 February 1995, the House concurred on amendments to the Standing Orders dealing with deferred votes, the filing of notices before an adjournment, and the referral of bills to committee before Second Reading. As well, requirements of Standing Order 36 relating to petitions were made more precise (14 June 1995), while on 10 November 1995, Standing Order 107 was amended to provide for the creation of subcommittees by the Liaison Committee, and to enable members of recognized political parties not represented on the Committee to be appointed to its subcommittees.

Subcommittees of the Standing Committee on Procedure and House Affairs tabled reports in the spring of 1997 recommending extensive procedure changes to the business of supply and Private Members' Business. These reports, however, had not been dealt with when Parliament was dissolved in April 1997.

E. The 36th Parliament

As a result of the June 1997 general election, there were five recognized parties in the House of Commons, and the government had a relatively small majority. Contrary to some expectations, however, this "pizza Parliament" worked relatively smoothly from a procedural point of view. There was a fair degree of cooperation among the parties, through the House Leaders, although it may also be relevant that the legislative agenda was not particularly heavy nor were the bills particularly contentious.

Minor amendments were made to the Standing Orders at the beginning of the 36th Parliament; the number of standing committees was reduced by two, and membership of committees was increased to 16 or 18 in most cases. Slight changes were also made to the operation of Private Members' Business.

Various issues were investigated by the Standing Committee on Procedure and House Affairs in 1997-1998, including electronic voting and changes to the sitting schedule of the House. No firm recommendations were made, however. On 21 April 1998, a debate was

held in the House pursuant to Standing Order 51, which provides that between the 60th and the 90th day of the first session of a Parliament, a debate is to be held on the motion “That this House takes note of the Standing Orders and procedure of the House and its Committees.” Although this Standing Order had been in place for a number of years, it had never been used before.

In June 1998, the absence of any government Members allowed the Official Opposition to be successful in getting a motion passed to suspend the rules regarding closure and time allocation for the balance of the session. This motion was subsequently rescinded, but only after the government had agreed to:

- amend Standing Order 81 to increase the number of allotted days to 21 a year (7 in each supply period, with not more than 14 to be used for votable motions); and
- change the procedure for the last day in the supply period ending not later than 23 June.

In November 1998, the House adopted the Thirteenth Report of the Standing Committee on Procedure and House Affairs, which dealt with various amendments to the procedures respecting Private Members’ Business. It had been drafted originally by the Subcommittee on Private Members’ Business at the end of the 35th Parliament, re-adopted by the Subcommittee after the election, and tabled in the House of Commons by the Committee in November 1997. The necessary amendments to the Standing Orders became effective on the first sitting day in 1999. The amendments included:

- provision for the reinstatement at the beginning of a new session of private Members’ bills in the same form as they were at prorogation;
- provision for items with the support of at least 100 Members (including at least 10 from each of a majority of the recognized parties) to be placed on the order of precedence;
- provision for the 10 items from the order of precedence that can be made votable to consist of any combination of bills and motions; and
- a requirement for committees to which private Members’ public bills are referred to report the bill back to the House within 60 sitting days, with a possible extension of 30 sitting days and the option of reporting that the bill not be proceeded with further.

In June 2000, the House of Commons Standing Committee recommended the abolition of the 100-signature procedure for Private Members’ Business. After approximately

one year, problems had become apparent and there was a general perception that the procedure had not functioned as originally intended. This report, however, had not been adopted when the 36th Parliament was dissolved in October 2000. On 13 June 2001, the House adopted another report from the Standing Committee on Procedure and House Affairs repealing the 100-signature procedure for Private Members' Business.

Throughout the course of the 36th Parliament, the Standing Committee on Procedure and House Affairs had intended to undertake a review of the Standing Orders, with a view to modernizing the procedures and practices of the House. Due to the press of other business, however, this initiative did not get started. Despite general agreement on the need for parliamentary reform, there did not appear to be any consensus on the specific issues to be addressed or possible solutions. On 17 May 2000, for instance, the Committee tabled a report in which it recommended two procedural changes: first, an amendment to set out a procedure for the applying of votes on recorded divisions; and second, a revision of Standing Order 78(3) with respect to the allocation of time at any stage of a public bill. Despite several meetings on the issue, the report had dissenting opinions from each of the Canadian Alliance (the Official Opposition) and the Bloc Québécois, and was never adopted by the House.

F. The 37th Parliament

At the beginning of the first session of the 37th Parliament (29 January 2001), some minor changes were made to the structure and names of standing committees of the House of Commons. On 27 February 2001, the House adopted an amendment to the Standing Orders regarding the selection of motions in amendment at Report Stage. Subsequently, on 21 March 2001, the Speaker made a statement to the House regarding how he intended to interpret the new Note to the Standing Order. On 15 May 2001, the House agreed to changes to the Standing Orders regarding its March recess. By resuming sitting a week earlier in January, the House will be able to adjust its sitting schedule each year in an attempt to accommodate the various school spring breaks across the country.

In May 2001, the Standing Committee on Procedure and House Affairs tabled an amended report which would grant the electronic media the authority to broadcast public meetings of any committees of the House, subject to certain guidelines. The report, which was adopted on 16 May 2001, was for a trial period ending on 31 December 2001. **The provisional**

period has been successively extended, most recently (on 16 February 2004) until the end of the third session of the 37th Parliament.

On 21 March 2001, the House established the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, to be chaired by the Deputy Speaker of the House, and consisting of the five House Leaders. The Committee was required by its order of reference to be unanimous in its report. There were two debates in the chamber on issues relating to parliamentary reform and modernization of procedures. In its report, which was presented to the House on 1 June 2001, the Committee dealt with a variety of matters, many of them of a fairly technical or housekeeping nature. Changes were made in the following areas: speeches by candidates for Speaker; appointment of the Clerk of the House of Commons; written questions; adjournment proceedings; deferred votes; closure and time allocation; “take-note” debates; emergency debates; procedural motions involving committees; Main Estimates; notice of opposition day motions; amendments to opposition day motions; Committee of the Whole; and parliamentary review of officers of Parliament.

A motion to adopt the Committee’s report was concurred in on 4 October 2001. The recommendations contained in the report came into force on 15 October 2001.

On 7 November 2002, shortly after the beginning of the second session of the 37th Parliament, the House of Commons established its own Standing Committee on Official Languages. Previously, there had been a joint committee, but the Senate had earlier created its own official languages committee. As a result, only two joint committees of the Senate and House of Commons remain: Scrutiny of Regulations, a fairly technical committee; and the Library of Parliament, historically inactive.

The issue of Private Members’ Business was a major preoccupation throughout much of the 37th Parliament. The procedures that had been established following the recommendations of the McGrath Committee in the mid-1980s remained in force, and had been tinkered with over the years. Many Members, however, were increasingly dissatisfied with the basic structure of the system. There was widespread support for making all items of Private Members’ Business votable. The Standing Committee on Procedure and House Affairs studied this issue on more than one occasion. In its Sixty-sixth Report, presented on 12 June 2002, the Committee recommended that each Private Member (i.e., not a member of the Cabinet) should have at least one opportunity to have a bill or motion debated in the

course of a Parliament, and all items of Private Members' Business debated in the House would be voted on. A panel, consisting of one representative of each recognized party, would deal with complaints regarding the non-acceptability of items, using a pre-established list of criteria. The report had not been adopted when the House adjourned for the summer. Subsequently, on 6 November 2002, the House adopted the substance of the Committee's report; the Standing Orders to implement this report were to be approved by the Committee, but, on 11 December 2002, the Committee recommended that the changes be deferred.

The matter was outstanding when the House re-established a Special Committee on the Modernization and Improvement of the Procedures of the House of Commons on 28 November 2002, this time consisting of the Deputy Speaker as chair, the House Leaders and the Caucus Chairs of each of the five officially recognized parties. As a first item of business, the Special Committee recommended a new procedure for Private Members' Business, and this was adopted by the House effective 17 March 2003.

The essential components of the new procedure were that all Members should have at least one opportunity during the course of a Parliament to have a Private Member's bill or motion voted upon by the House. A list of all eligible Members would be established at the beginning of a new Parliament, from which an order of precedence of 30 items would be created from time to time. All items on the order of precedence would be debated for up to two hours, at the end of which they would come to a vote. All recorded divisions would be held on the next sitting Wednesday. A slightly enlarged Subcommittee on Private Members' Business would consider whether any of the items on the order of precedence should not be votable in accordance with specified, limited criteria; any such negative decision could be appealed to the Standing Committee on Procedure and House Affairs, or, ultimately, to the House of Commons, where a secret ballot would be held on the appeal.

The new rules were adopted on a provisional basis, for the remainder of the current session or to 17 March 2004, and were to be reviewed by the Standing Committee on Procedure and House Affairs. The provisional Standing Orders were subsequently extended until the earlier of the end of June 2004 or the dissolution of the 37th Parliament, and, later, for the first sitting 60 days of the 38th Parliament. This will allow the Committee to undertake a review of the new rules, and how they are operating in practice, and to recommend changes, if required.

On 16 February 2004, the House agreed to a wording change in one of the provisional Standing Orders to reflect the fact that, following the merger of the Canadian

Alliance and Progressive Conservative parties, there were only four recognized parties in the House.

The Special Committee on the Modernization and Improvement of the Procedures of the House of Commons tabled its major report in the House on 12 June 2003. Among the issues dealt with in the report are Private Members' Business, technology, debates, petitions, and other matters. This report was adopted by the House on 18 September 2003. The Committee also tabled a separate report endorsing in principle the concept of electronic voting.

On 3 February 2004, the Hon. Jacques Saada, P.C., M.P., Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, tabled a document in the House entitled *Ethics, Responsibility, Accountability: An Action Plan for Democratic Reform*. This document sets out the government's proposals for democratic reform as a first step in a strategy aimed at improving political institutions and the parliamentary system. The Action Plan contained a number of components, with the main procedural ones being the following:

- the introduction of a new three-line voting system for government Members for the classification of votes;
- new mechanisms of e-consultation, which could include greater use of modern technology by committees for citizen engagement, greater use of webcasting and videoconferencing, and electronic filing of motions and questions;
- review of the Standing Orders to provide greater incentives for Committees to review the Estimates, based, in part, on the recommendations in the September 2003 report of the Standing Committee on Government Operations and Estimates;
- prior parliamentary review of key appointments, including possible enhancement of the role of parliamentarians in the review of such appointments; and
- changes to House procedure to enhance the ability of Members to represent their constituents in the House of Commons, by the Standing Committee on Procedure and House Affairs in consultation with parliamentarians.

G. Conclusion

The pace of procedural reform of the Canadian House of Commons has quickened in recent years. Various explanations for this have been put forward, including public cynicism about the political process, a desire to enhance the role of private Members, a conviction that Parliament must be more responsible and relevant to the public, the increasing amount and complexity of legislation, and the emergence of new demands on Parliament and the parliamentary process. There is an ongoing effort to achieve an appropriate balance between the interests of the government and those of the Opposition. Although some argue that the House must adopt procedures that are efficient and modern, others maintain that democracy and tradition are equally important.

Parliamentary procedure must continue to evolve and adapt. While firmly rooted in tradition and history, procedure is dynamic and must be relevant to current circumstances. Procedures of the House of Commons will undoubtedly continue to change, and further alterations to the rules and practices are inevitable.

CHRONOLOGY

- 5 November 1982 - In its third report, the Special Committee on Standing Orders and Procedure (the Lefebvre Committee, created on 31 May 1982) recommended several changes in the Standing Orders for a one-year trial period. The Report was adopted by the House on 29 November. The proposed changes came into effect on 22 December 1982 for a one-year trial period, and were extended (with minor amendments) on 19 December 1983 and 7 December 1984. However, no action was taken on further reports of this Committee.
- 20 December 1984 - The first report of the Parliamentary Task Force on Reform of the House of Commons, created on 5 December 1984 (McGrath Committee), was tabled.
- 26 March 1985 - The second report of the task force was tabled.
- 18 June 1985 - The third report of the task force was tabled.
- 27 June 1985 - Amendments to the Standing Orders pertaining to the speakership, the Board of Internal Economy and legislative committees were adopted on a provisional basis.

- 13 February 1986 - The House of Commons adopted a series of new provisional amendments to the Standing Orders which came into force on 24 February 1986.
- 30 September 1986 - The first election of the Speaker by secret ballot resulted in the election of the Hon. John A. Fraser.
- 3 June 1987 - The provisional Standing Orders (with minor revisions), as well as current special orders and a package of minor further amendments, were adopted for incorporation into the permanent Standing Orders.
- 10 May 1990 - Provisional amendments transformed the draw for selecting private Members' bills for debate into a draw of Members' names, rather than items, thus removing the incentive for one Member to propose multiple items.
- 11 April 1991 - Major revisions to the Standing Orders were adopted, after heated debate.
- 24 September 1991 - The government's package of constitution-related proposals included changes to House of Commons procedure and practice.
- 28 February 1992 - The Special Joint Committee on a Renewed Canada (the Beaudoin-Dobbie Committee) called for a comprehensive review of House procedures and practices.
- 1 April 1993 - The Standing Committee on House Management tabled a report containing 31 recommendations relating to parliamentary reform.
- 1 February 1994 - The standing committee structure was revised.
- 7 February 1994 - A package of reforms was adopted to enhance the potential influence of standing committees and make a number of other procedure changes.
- 21 April 1998 - A debate took place under Standing Order 51 on the Standing Orders and procedure of the House and its committees.
- 30 November 1998 - Adoption of Standing Order amendments regarding Private Members' Business to implement the Thirteenth Report of the Standing Committee on Procedure and House Affairs.
- 27 February 2001 - Amendment to the Standing Orders adopted regarding the selection of motions in amendment at Report Stage.
- 15 May 2001 - Changes adopted regarding the sitting schedule of the House between January and Easter.
- 16 May 2001 - Provisional guidelines adopted for the broadcasting of committee proceedings by the electronic media.

- 13 June 2001 - Standing Order 87(6) – regarding the 100-signature procedure for Private Members’ Business – was repealed.
- 4 October 2001 - The report of the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons was adopted; the recommendations contained in the report came into force on 15 October 2001.
- 17 March 2003 - Provisional Standing Orders regarding Private Members’ Business come into effect, following adoption of a report by the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons: all items on the order of precedence will be votable, unless they contravene certain limited criteria, although provision is made for an appeal; all private Members will have an opportunity to have an item voted on by the House of Commons.**
- 12 June 2003 - Report of the second Special Committee on the Modernization and Improvement of the Procedures of the House of Commons is presented to the House of Commons; it is adopted on 18 September 2003.**
- 3 February 2004 - The Government tables *Ethics, Responsibility, Accountability: An Action Plan for Democratic Reform* in the House of Commons**

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