



**HOUSE OF COMMONS
CHAMBRE DES COMMUNES
OTTAWA, CANADA**

39th Parliament, 1st Session

The Standing Committee on Procedure and House Affairs has the honour to present its

THIRTY-SEVENTH REPORT

Pursuant to Standing Order 108(3)(a)(iii), the Committee is pleased to table the following report.

1. Canadians have expressed concern about the behaviour they witness in the House of Commons. At times, it can be very noisy and boisterous, particularly during Question Period. Members of the House share these concerns about the lack of decorum in the Chamber, and have been embarrassed from time to time when visitors or school children watch the proceedings or visit the galleries.
2. In October 2006, members of the New Democratic Party proposed that the Committee should consider recommending changes to the *Standing Orders of the House of Commons* based on the June 22, 1992 Report of the Special Advisory Committee to the Speaker on Unparliamentary Language and the Speaker's Authority to deal with Breaches of Decorum and Behaviour. The Special Advisory Committee had been convened by Speaker John Fraser, and was chaired by the Hon. Andrée Champagne, the then Deputy Speaker of the House, and consisted of Members from all parties then represented in the House of Commons. Its report took the form of draft amendments to the *Standing Orders of the House of Commons*. This report was never tabled in the House, nor were its recommendations ever implemented or formally debated.
3. In response to the proposal that the Committee re-visit the proposed amendments to the Standing Orders to deal with the lack of decorum in the House, the Committee met on October 31, 2006, with the Speaker of the House of Commons, the Hon. Peter Milliken, who was accompanied by Audrey O'Brien, Clerk of the House of Commons. Subsequently, on November 21, 2006, the Committee heard from Senator Andrée P. Champagne, who chaired the Special Advisory Committee; Ms. Dawn Black, M.P. (New Westminster—Coquitlam), who had been a member of the Special Advisory Committee; and Mr. Robert Marleau, former Clerk of the House of

Commons. Subsequently, the Committee inquired of Mr. Robert R. Walsh, Law Clerk and Parliamentary Counsel of the House of Commons, regarding the powers of the House and the Speaker to discipline Members. The Committee appreciates the insights, recommendations, and advice offered by all of the individuals.

4. All Members agree that the decorum in the House of Commons is a serious issue. While a legislative body is necessarily partisan, with strong feelings and high emotions, there are still limits to what should be permitted. Lack of decorum, and respect for the rules, negatively affect all of us, bringing the House of Commons as an institution into disrepute, and undermining the public's confidence in the parliamentary process.
5. Responsibility for decorum in the Chamber rests primarily with the Speaker of the House of Commons. Standing Order 10 specifically provides:

The Speaker shall preserve order and decorum, and shall decide questions of order. In deciding a point of order or practice, the Speaker shall state the Standing Order or other authority applicable to the case. No debate shall be permitted on any such decision, and no such decision shall be subject to an appeal to the House.

The Speaker is the guardian of the rights and privileges of Members and of the House of Commons as a collectivity. He or she presides over debates and is responsible for enforcing and interpreting all rules and practice and for the preservation of order and decorum. The duties of the Speaker require a balancing of the rights and interests of the majority and the minority of the House to ensure that public business is efficiently transacted and that the interests of all parts of the House are advocated and protected. In carrying out these duties, the Speaker requires the co-operation and assistance of Members: he or she is the servant of the House, and must reflect the collective will of the Chamber.

6. As *House of Commons Procedure and Practice* (Marleau and Montpetit, 2000) states, the duty to maintain order and decorum in the House confers on the Speaker a wide-ranging authority extending to such matters as Members' attire and behaviour in the Chamber, the conduct of House proceedings, the rules of debate, and disruptions on the floor of the House and in the galleries.
7. The Speaker has at his or her disposal various powers, such as intervening to call a Member to order if his or her conduct is disruptive to the order of the House, declining to give the floor to an offending Member or refusing to "see" a Member if he or she rises to be recognized; and "naming" a Member (i.e. addressing the Member by name rather than by constituency or title, as is the usual practice) and ordering the Member's withdrawal from the Chamber for the rest of the sitting day. This latter sanction is used only in egregious cases, and in recent years has been seldom used as it is felt that it draws more attention to an offending Member.

8. The Committee has reviewed the rules regarding the enforcement of order and decorum in the provincial legislative assemblies of Canada. Mr. Marleau also explained for the Committee the rules and practices in the United Kingdom House of Commons to maintain order, including the suspension of Members from the service of the House. In all legislative bodies, the ultimate authority on these matters is the Chamber itself, although the Speaker is the executive officer by whom the rules are enforced.
9. There were a range of views among members of the Committee as to whether the existing procedures and practices of the House of Commons were sufficient, or whether they needed to be changed or augmented. There is the view among some Members that the Speaker has adequate tools at his disposal to deal with disorder and lack of decorum. Others agree, but feel that these instruments need to be applied more vigorously. Still other Members argue that additional disciplinary powers and options should be implemented. Suggestions include the expulsion of Members not only from the Chamber but from the parliamentary precincts, so that they cannot access their offices or attend committee meetings after being thrown out of the House. The concept of a suspension for a prescribed period of time, not just the balance of the sitting day, was raised, as was the imposition of a financial penalty for suspended Members.
10. Lack of decorum and respect for the rules is not a new phenomenon. Boisterous and unruly behaviour and other antics have long existed in legislative bodies, and are certainly not unique to the Canadian House of Commons. The televising of proceedings has ensured that the workings of the Chamber are seen by a much wider audience. The situation is exacerbated in a minority Parliament, just as it is in the run-up to an election, when political passions run high.
11. Mr. Marleau urged that the Committee proceed with caution in this area. He noted that previous changes that were seen as positive or benign may have inadvertently weakened the authority of the Speaker, or have had other unintended consequences. Even if the Committee were to opt for amendments to the Standing Orders, there are challenges in finding language that would achieve this objective, without being over-inclusive.
12. The existing powers of the Speaker, as set out in the *Standing Orders of the House of Commons* and the procedures and practices of the House, are extensive and encompass a range of options. The Committee urges the Speaker to exercise the full extent of his disciplinary powers firmly, forcefully, and fairly to improve the decorum in the Chamber. We have every confidence that he will do so.
13. The Speaker's authority can only be exercised if he or she has the support and guidance of all parties and each Member of the House. The recognized parties in the House undertake to assist the Speaker in this regard, and not to undermine his decisions. It is incumbent upon all of us, as Members of the House, to support the Speaker in this regard. We strongly believe that it is in the interests of the House as an

institution with a long and important history, and as the elected representatives of the people of Canada, that the Speaker and all Members do what is necessary to ensure that the House is viewed as a place worthy of respect and admiration.

14. The Committee recommends that the party Whips should meet regularly and formally with the Speaker to discuss decorum in the Chamber generally, and to address specific concerns and irritants that have arisen. All of the current Whips are members of the Committee, and have endorsed this proposal. We believe that these meetings will contribute to improving decorum in the Chamber.
15. At this time, the majority of the Committee is not prepared to recommend that the Standing Orders be amended to further punish disruptive Members by banning them from the parliamentary precincts or making deductions from their sessional allowances. These are drastic options that will be kept in reserve if problems persist. The House already has powers to impose such penalties in egregious cases, although these are not set out in the rules.
16. We remind Members that decorum in the Chamber is the responsibility of each of us. We have been entrusted by the public to sit in the House of Commons. It is our duty and obligation – both individually and collectively – to behave in a respectful and appropriate manner, in keeping with the House’s position as one of the constituent elements of the Parliament of Canada. Each Member must take responsibility for his or her own actions, and those of their colleagues.
17. Collectively, the party caucuses must be responsible and ensure that all of their members behave in an acceptable way. The whips have undertaken to do whatever they can to improve the decorum of the House, and the Committee remains available if additional measures are required.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 21, 22, 23, 26, 27, 30, 36 and 43](#)) is tabled.

Respectfully submitted,

GARY GOODYEAR
Chair

Supplementary Opinion – The New Democratic Party

The New Democratic Party has brought forth recommendations that give the Speaker the tools needed to bring order and control to the House of Commons. The solution takes the cooperation of parties to give the Speaker more power. The New Democratic Party has been a vocal supporter of keeping decorum in the House of Commons. The NDP strongly believes that the Speaker should be given further powers to deal with disruptive members.

The Speaker is the servant of the House, and must reflect the collective will of the Chamber. Whips and House Leaders have a responsibility to give the Speaker further authority to discipline Members or groups of Members when they disrupt the order of the House of Commons. These issues have been persistent and have to be dealt with as soon as possible. We cannot have teachers reluctant to bring their students to Parliament because they are embarrassed by the bad behaviour of their federal elected representatives. This is unacceptable.

This pattern of misbehaving needs to stop. Therefore, for that reason the NDP strongly recommends the following procedures:

Recommendations:

That the Standing Orders be amended to give the Speaker clear authority to expel a disruptive Member from the Chamber and from accessing the Parliamentary Precincts for a prescribed period of time, and that the party Whips give their support to the Speaker in such rulings. This can be done by adding to Standing Order 11, notwithstanding Standing Order 15, in order to give the Speaker the authority to take away the privilege of not only removing a Member from the House of Commons for a day but to not allow the Member to attend committees and or have the use of his/her parliamentary office for the period of time prescribed by the Speaker. This will not apply if there is a vote of confidence. A Whip of a party shall be allowed to call upon the member to attend a vote of confidence during that time. The Member will be allowed to come into the House an hour before the vote and leave immediately after the vote is taken.

The New Democratic Party recommends that Whips give their collective authority to allow the Speaker to remove questions from the prescribed rotation of questions during question period when a Member or Members of their party are not cooperative with the rules of decorum and cause significant delays in procedures in the House of Commons particularly during Question Period.