



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

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The Speaker
Le Président

July 20, 2017

Mr. Tony Pasin, M.P.
Chair, Standing Committee on Procedure
House of Representatives
Parliament House
Canberra, ACT 2600
procedure.committee.reps@aph.gov.au

Dear Mr. Pasin:

I am writing in response to your letter of June 22, 2017, in which you solicit information regarding provisions related to disorder in the House of Commons of Canada.

As one of the guiding principles of parliamentary procedure is that debate and other proceedings in the House of Commons ought to be conducted through free and civil discourse, the *Standing Orders of the House of Commons*, more specifically Standing Orders 10 and 11, state explicitly that the Speaker shall preserve order and decorum, and decide questions of order. This empowers the Speaker to call a Member to order if the Member persists in repeating an argument already made in the course of debate or in addressing a subject that is not relevant to the question before the House, as well as to intervene if language used during debate appears questionable, offensive, provocative or threatening. *House of Commons Procedure and Practice*, Second Edition, 2009, indicates on page 619 that, “[i]n dealing with unparliamentary language, the Speaker takes into account the tone, manner and intention of the Member speaking; the person to whom the words at issue were directed; the degree of provocation; and, most importantly, whether or not the remarks created disorder in the Chamber. Thus, language deemed unparliamentary one day may not necessarily be deemed unparliamentary the following day. The codification of unparliamentary language has proven impractical as it is the context in which words or phrases are used that the Chair must consider when deciding whether or not they should be withdrawn.” It also states that “[s]hould the Speaker find the utterances of a particular Member offensive or disorderly, that Member will be requested to rise in his or her place and to withdraw the unparliamentary word or phrase unequivocally. The Member’s apology is accepted in good faith and the matter is then considered closed.”

Calling a Member to order is usually sufficient but, if necessary, the Speaker may refuse to recognize the Member until the unparliamentary remarks have been withdrawn or, in cases of repetition and irrelevance, the Speaker may proceed to recognize another Member. In recent years, the Speaker has, on occasion, skipped over a question allotted to a party during Question Period in response to disorder.

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If a Member continues to disregard the Speaker's instructions, the Speaker may name the Member. *House of Commons Procedure and Practice*, Second Edition, 2009, states on page 642 that, "[i]f a Member refuses to heed the Speaker's requests to bring his or her behaviour into line with the rules and practices of the House, the Speaker has the authority to name the Member, that is, to address the Member by name rather than by constituency or title as is the usual practice, and to order his or her withdrawal from the Chamber for the remainder of the sitting day." Naming is the most severe disciplinary power at the Speaker's disposal and, thus, a measure of last resort that has not been used since December 2002. The reason is twofold: Members rarely persist in disregarding the instructions of the Speaker; and experience has not shown this method to be particularly successful.

In addition to the powers of the Speaker to enforce order and decorum, the House of Commons retains the right to summon Members to appear at the Bar of the House for an offence against the dignity or authority of Parliament. *House of Commons Procedure and Practice*, Second Edition, 2009, mentions on page 129 that, "[t]he House has ordered some Members to attend in their places in the House and has also summoned Members to the Bar of the House to answer questions or to receive censures, admonitions or reprimands. Although, at first view, this may not appear to be a punishment, the summoning of a Member to attend in his or her place or of an individual to appear at the Bar is an extraordinary event which places the Member or individual under the authority of the House vested with its full disciplinary powers." In 1991 and again in 2002, Members who attempted to take hold of the Mace were summoned to attend the Bar after the Speaker found their actions to be a *prima facie* case of privilege. In the first case, the Member was admonished by the Speaker and declared guilty of a breach of privilege and contempt of the House and, in the second case, the Member was invited to address the House and he apologized.

It is widely recognized in the Canadian House of Commons that order and decorum requires a concerted and collaborative effort between the Members and the Speaker. For example, our Standing Committee on Procedure and House Affairs has been asked to recommend changes to the Standing Orders to strengthen the disciplinary powers of the Speaker. While admitting that "drastic options" might prove necessary in the future, the Committee, in its *37th Report* presented to the House in March 2007, recommended that the parties assist and support the Speaker in maintaining decorum. On October 6, 2010, the House adopted a private Member's motion, M-517 which amongst other things, instructed the same Committee to consider the issue of decorum and the Speaker's disciplinary role during Question Period, but the Committee did not have time to study the issue before Parliament was dissolved in 2011.

I thank you for your interest in the work of the House of Commons and I wish your Committee every success.

Sincerely,

✓ Hon. Geoff Regan, P.C., M.P.