



Parliamentary Book Shelf

House of Commons Procedure and Practice, edited by Robert Marleau and Camille Montpetit, Chenelière/McGraw-Hill, Montreal, Quebec, pp. 1216.

Robert Marleau, Clerk of the House of Commons of Canada, and co-editor with Camille Montpetit, Deputy Clerk of the House of Commons (1998-99), describes *House of Commons Procedure and Practice* as representing "a milestone in the evolution of Canadian parliamentary jurisprudence." That kind of claim is bound to draw attention from anyone who spends time preoccupied with parliamentary matters in this country. It is a bold assertion and, based on first impressions, one that will prove well founded.

House of Commons Procedure and Practice is the result of efforts by a project team comprised of staff of the Table Research Branch of the House of Commons and many others from the Office of the Clerk. It is the culmination of years of work dating as far back as 1980 when the Table Research Branch was created.

Mr. Marleau provides a full description of the contents of the book in his preface where he states:

Although it touches on constitutional, political and historical matters, this reference book is primarily a procedural work which examines the many forms, customs and practices which have been developed and established since Confederation in 1867. While shedding light on the Westminster model of parliamentary gov-

ernment, it provides a distinctive Canadian perspective in describing procedure in the House of Commons up to the end of the First Session of the Thirty-Sixth Parliament in September 1999. The material is presented with full commentary on the historical circumstances which have shaped the current approach to parliamentary business. Key Speakers' rulings and statements are also documented and the considerable body of practice, interpretation and precedents unique to the House of Commons of Canada is amply illustrated.

While there have been a number of books published on parliamentary procedure, the two which have served as primary reference texts for parliamentarians in Canada are Arthur Beausnesne's *Parliamentary Rules and Forms of the House of Commons of Canada* and Sir John George Bourinot's *Parliamentary Procedure and Practice in the Dominion of Canada*. These "Authorities", as they are known, are frequently cited in Speakers' rulings.

Beausnesne's work developed over time into what the editors of the sixth edition called "a collection of notes, not a narrative." They went on to explain "Its numbered paragraphs or citations are meant to be a reference to previous occurrences in the House of Commons of Canada that may be of assistance in future procedural questions." (Beausnesne's 6th edition, p.iii.)

Bourinot, on the other hand, said in the preface to the second edition of his book that "This work is intended to show not merely the rules,

orders and usages of the two houses, but all the stages of constitutional development in Canada until the present time It is endeavoured to explain the nature of the conventions and understandings which govern what is generally known as responsible or parliamentary government." (Bourinot's 4th edition, p. x.)

Those who are familiar with these "Authorities" will find *House of Commons Procedure and Practice* to be more reminiscent of Bourinot than Beausnesne. Like Sir John George Bourinot, the authors have adopted a style in which full explanations are offered on how we got here from there for virtually every subject covered. The subheading "Historical Perspective" is a constant in most chapters.

This book differs greatly from the style found in Beausnesne and it will be of interest to see how this difference plays out in our various Houses. The manner in which Beausnesne is set up, with its short notes identified by annotation numbers, make it functional for use on the spur of the moment. The annotations are easy to find and to cite and, in fact, have led to a form of verbal shorthand. For example, when a Speaker makes mention of Annotation 491, members can immediately turn their attention to other pressing duties such as re-drafting the latest constituency newsletter or heckling members opposite. They know, without hearing it, that the Speaker will be inflicting that old saw on them about how context matters when determining whether a word or ex-

pression is unparliamentary. Then there is Annotation 494 which, in the driest and most drawn out language possible, states that members have to accept the word of other members and, no, it does not do to call them "liars" even when any right-thinking individual can see that the appellation is well earned.

That said, it is a given that this newcomer to the proceduralist's bookshelf will be required reading whenever difficulties are encountered. It is, after all, the most up-to-date and most comprehensive of the parliamentary bibles available to us. The question, which will only be answered through experience is whether we will find its format difficult to use. After this book has been in the trenches for a period, we will be better able to judge the ease with which presiding officers, Table officers and members are able to motor through it, find that which they are seeking and encapsulate their findings in rulings.

Why should it matter to those of us outside the House of Commons whether that institution has an up-to-date procedural reference book that provides detail on its forms, customs and practices? The answer is that a great many of us in the provincial and territorial jurisdictions are required to look to the House of Commons when our own rules, precedents and usages do not provide direction on a procedural issue. For instance, Standing Order 1 of the Yukon Legislative Assembly states "In all cases not provided for in these Standing Orders or by sessional or other orders, the practices and procedures of the House of Commons of Canada, as in force at the time, shall be followed, so far as they may apply to this Assembly." Five provinces, Prince Edward Island, Newfoundland and Labrador, Nova Scotia, Manitoba and Saskatchewan, have almost identically worded standing orders. The

Northwest Territories and Nunavut each have a similar rule except it has been expanded to allow reference to precedents in provincial and territorial legislatures as well as to those of the House of Commons. Although they do not have the same wording Ontario, New Brunswick, and Alberta all make reference to Speakers basing decisions on "parliamentary tradition" and it can be surmised that, in those jurisdictions, difficult rulings will lead to a survey of the experience of the House of Commons.

Only British Columbia and Quebec stand apart with British Columbia, when in doubt, relying on the House of Commons of Great Britain and Northern Ireland and Quebec stating, in Standing Order 180, "In deciding all questions of procedure not so provided for, resort shall be had to the usages and precedents of this Assembly." However, those prone to idle speculation might suspect that, on occasion, discreet inquiries may issue forth from even these two jurisdictions as to what is done or has been done in the House of Commons of Canada.

Technological developments during the "information age" have imposed their own additional imperatives in this regard. The Internet has made it possible for parliamentarians and, indeed, all citizens to have almost instant access to information on what is being done in other jurisdictions. A great many legislatures put their Hansard on the Internet; Yukon's question period, for example, can usually be accessed within an hour of its completion. Most major and many minor newspapers are online. Proceedings of the House of Commons are telecast across the nation and many other jurisdictions televise some portion, if not all, of their proceedings. E-mail communications have also greatly expanded contacts between parliamentarians.

The result is that members throughout the land are fully and immediately aware of doings in other legislatures and, particularly, in the House of Commons. There is also, on occasion, an expectation by members that the practices and precedents of all other Canadian legislatures will be considered when Speaker's rulings are being crafted, notwithstanding rules such as the first standing order of the Yukon Legislative Assembly.

Sensitivity, therefore, has grown in the various legislatures and at the Tables of those legislatures as to the effect that decisions on touchy procedural issues can have on others. The wording of a Speaker's decision in one jurisdiction will often have been carefully formulated, through consultation with other Houses, to ensure that the context of a precedent-making decision is fully explained and the rationale for the decision made plain. This is to ensure that no unnecessary difficulties are created for other jurisdictions should they face what *appear* to be similar situations. Those of us, then, who must, when in doubt, reference the House of Commons are going to be most interested in assessing the contents of House of Commons Procedure and Practice on this basis. We will be asking whether the effect it would have on other legislatures was a consideration during its drafting. My initial impression is that this book will most often be a help and rarely a hindrance.

An issue that I need to address but freely admit not to having reached any conclusions on is the very breadth of the book. Like Bourinot, those responsible for *House of Commons Procedure and Practice* have decided they will cover everything between the covers of one book. The publisher tells us there are 1206 pages in this book. The Table of Contents, alone, is 33

pages long. There are over 5800 footnotes. The word "comprehensive" does not begin to be an adequate adjective when describing the range of subjects covered and the level of information provided on each. And yet . . . I am not sure whether that adds up to a complaint or a compliment.

There is certainly an argument to be made for having it all in one place. Every new Member of the House of Commons can have this book provided to them and be told that, if they read this and nothing else, they will have gained a solid understanding of their House and its ways. They will have learned about the history of parliamentary institutions in Canada, about the conduct of elections of members, about the conflict of interest laws that apply to them, about their pay, expenses and pensions, about the buildings that they occupy, about the administration of the House of Commons, about the arrangements made to broadcast the proceedings of the House and much, much more.

When we do move onto subjects that, in my mind, fall within the rubric of "procedure and practice" there is superb coverage of all the standards beginning with privileges and immunities and continuing through chapters such as "The Daily Program", "Questions", "The Process of Debate", "Rules of Order and Decorum", "The Curtailment of Debate" and "Committees of the Whole House". I cite those particular ones because they are most likely to be referenced in the Yukon Legislative Assembly and they add up to about 340 pages. If the next edition is issued as a three-volume set, I wish to put in an unashamed self-interested plug for those chapters to comprise one of the volumes.

In the final analysis, it should be clear that these random musings do not constitute serious reservations. Mr. Marleau's enthusiasm for the

work of the project team that produced this book, describing it as a "milestone", is entirely justifiable and understandable. The research is thorough and well documented for those who need to seek the original sources. The organization and outline of the book is excellent. The text is clear, lucid and expressed in plain language.

I am reluctant to attempt to name names for fear that I will fail to give credit where it is due. To those who use this book, I recommend in the strongest terms that you read the acknowledgements provided by co-editor Camille Montpetit. It would be a disservice to those responsible for this book not to be recognized for the work they have done.

Congratulations to Mr. Marleau, Mr. Montpetit and all others on the team responsible for *House of Commons Procedure and Practice*. I am confident that it will soon take its place at the head of Canadian parliamentary authorities and remain there for years to come. In the end, that acceptance by parliamentarians and Table officers will be the highest compliment that can be offered.

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Le processus législatif et réglementaire fédéral, Luc Gagné, Les Éditions Yvon Blais Inc., Cowansville, 1999, 424 pp.

In a field where few works are written originally in French, this book is bound to be appreciated by

many. It differs from standard works on the topic in that its primary purpose is not to "tell everything" about the legislative process or parliamentary practice but to give citizens the tools they need to take an active part in the parliamentary process. Mr. Gagné, a former research assistant with the Law and Government Division of the Parliamentary Research Branch, explains at the outset that he wanted to fill a major publishing "gap": the scarcity of works dealing with the rules of the House of Commons and the Senate. This is, then, a book that will be appreciated by those who want an overview of the nuts and bolts of Parliament and a chance to have a say on policy development.

Le processus législatif et réglementaire fédéral is not aimed at the specialist reader. That is undoubtedly why Mr. Gagné chose to present his subject "chronologically" rather than thematically. For each type of bill, the author invites us to follow a particular bill from beginning to end and he explains how citizens can provide input at every stage. This brings us to another innovative aspect of the book: Mr. Gagné deals not only with the stages a bill passes through in Parliament, he also gives an idea of what goes on at the "pre-parliamentary" and "post-parliamentary" stages. Thus we learn what happens (in a government department, in Cabinet, in a Member's office, and so on) before notice is given of a bill on the *Order Paper and Notice Paper* and what happens to a bill once it has received Royal Assent.

The advantage of the chronological method is that it gives a good overview of the legislative process. Anyone who wants to express his point of view on a particular kind of bill could find out whom to approach and what to expect, depending on where the bill is in the