



# Recent Publications and Documents

**ANNOTATED STANDING ORDERS OF THE HOUSE OF COMMONS**, published under the authority of the Speaker of the House of Commons, Queens Printer for Canada, Ottawa, 1989, 487 p. and **BEAUCHESNE'S RULES & FORMS OF THE HOUSE OF COMMONS, 6TH EDITION**, Alistair Fraser, W.F. Dawson and John Holtby, Carswell Co., Toronto, 1989.

The two great names in Canadian parliamentary procedure are J.G. Bourinot and Arthur Beauchesne former Clerks of the House of Commons each of whom wrote a weighty tomb on the subject. Bourinot, Clerk for more than two decades in the last century, was a great admirer of the British authority, Erskine May, and was instrumental in developing procedures for the new

Canadian legislature along well established British patterns.

Beauchesne, Clerk from 1925 to 1949, set out to make the standing orders more intelligible to the average member of parliament by annotating them.

Their works live on in these two recent publications, one produced by a team of experts on the staff of the House of Commons, the other by three distinguished former parliamentary officials two of whom, Fraser and Dawson, also collaborated on the 5th Edition of Beauchesne published in 1977.

The impetus for both these books can be traced in part to the parliamentary boycott of 1982 which completely shut down the House of Commons for fourteen days. One result was to set into motion a thorough re-examination of parliamentary rules and procedures which culminated with the Report of the McGrath committee in June 1985 and the implementation of most of its recommendations over the next two years.

These reforms necessitated numerous changes in the standing orders and at one point it was decided to completely reorganize and renumber them. The *Annotated Standing Orders* reprint each order from 1 to 159 with commentary and historical summaries of each. The standing orders are divided into sixteen chapters covering the following areas: presiding officers, members, sittings of the House, daily program, questions, process of debate, special debates, motions, public bills, financial procedures, private members' business, committees of the whole, committees, delegated legislation, private bills, house administration.

The *Annotated Standing Orders* represented a considerable achievement and those responsible for the historical research and commentary deserve to be congratulated. Readers may be surprised to find there are actually some opinions offered about certain events that have taken place. This

will make reading a little more interesting to the average member although one has to wonder if future Speakers may find themselves having to deal with points of order based on

the commentary as well as the rules themselves.

In a House where a 33 per cent turnover rate after an election is not uncommon, the main purpose of annotated standing orders should be to assist new members in understanding and using the rules. While the present volume is more "user friendly" than the plain standing orders it appears that less thought has gone into format, design and presentation than went into the content.

For example the bilingual side by side format may be useful to some members, clerks and presiding officers but most members would probably have preferred a tumble format where they were looking at only one language at a time. Another minor annoyance is the subject index which refers to order numbers rather than page numbers. The orders are printed on the bottom of each page but how many members would be able to recognize what S.O. 72 relates

to. It would be helpful if the header at the top of the page consisted of the chapter name instead of just "Annotated Standing Orders".

Many such shortcomings have been addressed in the 6th edition of *Beauchesne* published by Carswell. It has a handsome, easy to read, professional looking format. The decision to continue publishing separate English and French editions was a wise one, although unfortunately the French edition was not published simultaneously.

In *Beauchesne* the standing orders are printed as an appendix. The first seven chapters in the book are heavily weighted toward questions of privilege, the role of the officers of the House, and other matters far removed from the daily legislative process. Indeed considering the way arguments about privilege have become little more than dilatory tactics used by all parties over the last decade, one had to wonder why such importance continues to be given to

the theory of privilege. Similarly one has to wonder if any useful purpose is served by publishing lists of unparliamentary and parliamentary expressions since the same term may be in order in one context and out of order in another.

There are attempts at literary style in *Beauchesne* which would be out of place in the *Annotated Standing Orders*. For example the short section on relations between the House and Senate is dealt with under the heading "intercourse between the houses". Canada does not have a formal process for resolving disputes between the Houses despite the fact that a process for conferences exists in the standing orders. Despite the interesting title the relevant rule (S.O. 77) is dealt with in a more thorough manner in the *Annotated Standing Orders* and this seems to be the pattern throughout the two books.

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