

Submission  
No 3

**INQUIRY INTO PROCEDURES FOR DEALING WITH  
DISORDER BY MEMBERS DURING COMMITTEE  
PROCEEDINGS**

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HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# House of Commons of Canada Submission to the New South Wales Procedure Committee

Inquiry into the procedures for  
dealing with disorder by  
members during committee  
proceedings.

Ottawa, May 6, 2024

# House of Commons of Canada Submission to the New South Wales Procedure Committee

*Inquiry into the procedures for dealing with disorder by members during committee proceedings.*

## Introduction

The House of Commons of Canada is pleased to present an overview of the rules and procedures addressing disorder in committee proceedings. These rules generally mirror those of the House, with a few notable exceptions. Included below are the specific rules and relevant excerpts that provide guidance to committees on how to handle instances of improper decorum.

### **1. Specific procedures or practices regarding the authority of a committee chair to manage disorder during parliamentary committee meetings or hearings, and procedures for dealing with related offences or serious disorder.**

#### **1.1 Procedures and Practices**

*House of Commons Procedure and Practice* explains that: “committees may adopt procedural rules to govern their proceedings, but only to the extent the House does not prescribe anything specific. At all times, directives from procedural sources higher than parliamentary committees (the Constitution, statutes, orders of reference and instructions of the House, Standing Orders of the House of Commons, and rulings by the Speaker) take precedence over any rules a committee may adopt”<sup>1</sup>.

The Standing Orders (SO) further clarify this principle in SO 116(1): “In a standing, special or legislative committee, the Standing Orders shall apply so far as may be applicable, except the standing orders as to the election of a Speaker, seconding of motions, limiting the number of times of speaking and the length of speeches”<sup>2</sup>.

And SO 117 elaborates on how committees and their Chairs must deal with issues of order and decorum: “The Chair of a standing, special or legislative committee shall maintain order in the committee, deciding all questions of order subject to an appeal to the committee; but disorder in a committee can only be censured by the House, on receiving a report thereof”<sup>3</sup>.

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<sup>1</sup> *House of Commons Procedure and Practice*, Third Edition, 2017, p.1058.

<sup>2</sup> [Standing Order 116\(1\)](#).

<sup>3</sup> [Standing Order 117](#).

The following sections from *House of Commons Procedure and Practice*, Chapters 3 and 20 respectively, summarize both the process for dealing with issues of order and decorum in committees and the rationale behind the departure in approach from that of the House:

Under Chapter 3, *Privileges and Immunities*, it stated that: *“Since the House has not given its committees the power to punish any misconduct, breach of privilege, or contempt directly, committees cannot decide such matters; they can only report them to the House. Only the House can decide if an offence has been committed [...] Most matters which have been reported by committees have concerned the behaviour of Members, witnesses or the public, or the disregard of a committee order.”*<sup>4</sup>

In addition, Chapter 20, *Committees*, outlines that: *“Disorder and misconduct in a committee may arise as a result of the failure to abide by the rules and practices of a committee or to respect the authority of the Chair. Disorder and misconduct also include the use of unparliamentary language, failure to yield the floor or persistent interruption of the proceedings in any manner.*

*However, neither committees nor their Chairs have the authority to censure an act of disorder or misconduct. If a committee desires that specific sanctions be taken against those disrupting the proceedings, it must report the situation to the House. The House may then take such measures as it deems appropriate.*

*In the event of disorder, the Chair may suspend the meeting until order can be restored or, if the situation is considered to be so serious as to prevent the committee from continuing with its work, the meeting may be adjourned. In addition, the Chair may, at his or her discretion, interrupt a member whose observations and questions are repetitive or are unrelated to the matter before the committee. If the member in question persists in making repetitive or off-topic comments, the Chair can give the floor to another member. If the member refuses to yield the floor and continues talking, the Chair may suspend or adjourn the meeting*<sup>5</sup>.

In brief when it comes to disorder in committee, aside from coming to a resolution via discussion/debate, the only options available to a Chair of a committee are to recognize a different member or suspend/adjourn the meeting.

## 1.2 Speakers’ Rulings

Speakers have consistently ruled in keeping with this approach. The following excerpts from a recent Speaker’s ruling, while not related to a matter of disorder/decorum, do provide insight on the Speaker’s perspective when it comes to matters originating from committees that are raised in the House. This was underscored by a recent ruling on a Question of Privilege related to the

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<sup>4</sup> House of Commons Procedure and Practice, Third Edition, 2017, [Chapter 3: Privileges and Immunities](#).

<sup>5</sup> House of Commons Procedure and Practice, Third Edition, 2017, [Chapter 20: Committees](#).

proceedings of the Standing Committee on Natural Resources, specifically concerning the application of Standing Order 116(2) on February 5, 2024. Here is a relevant excerpt:

“[T]he Speaker's authority does not normally extend into committee matters, unless the committee sees fit to report the matter to the House. House of Commons Procedure and Practice, third edition, at [pages 152 and 153](#) states:

*Speakers have consistently ruled that, except in the most extreme situations, they will hear questions of privilege arising from committee proceedings only upon presentation of a report from the committee which deals directly with the matter and not as a question of privilege raised by an individual Member.*

On March 23, 2015, one of my predecessors added, at page 12,180 of the Debates:

*This is not to suggest that the chair is left without any discretion to intervene in committee matters but, rather, it acknowledges that such intervention is exceedingly rare and justifiable only in highly exceptional procedural as opposed to political circumstances.*

Despite the concerns raised by the member, in the absence of a report from the committee on these issues, it is not for the Speaker to intervene in this matter as it remains within the committee's authority to manage.”<sup>6</sup>

## 2. Recent Developments or Inquiries

As this has been the practice of the House and its committees for some time, there is little to report concerning recent developments or inquiries in direct relation to this query. It is relatively rare for a committee to report to the House an issue of disorder/decorum caused by a member, as such issues are typically resolved by and within the committee itself. That said, if a committee were to report such a matter to the House, we can reasonably expect the House would deal with it as it would a similar matter that occurred in the House itself.

The best recent example of such an undertaking we can provide is only tangentially related and also overlaps both House and committee procedure and practice. The Procedure and House Affairs committee (PROC) undertook a study by Order of Reference from the House on November 27, 2014, to:

- (a) examine policy options for addressing complaints of harassment between Members of the House of Commons;*
- (b) make recommendations concerning a code of conduct for Members for the prevention and resolution of harassment in the workplace, including a clear definition of harassment;*

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<sup>6</sup> Debates, February 5, 2024, p. [20641-20642](#).

*(c) make recommendations concerning a fair, impartial and confidential process, including options for the role of an independent third party, for resolving complaints made under the code; and*

*(d) make recommendations concerning training and education initiatives to ensure compliance with the code; and that the Committee report its findings and recommendations to the House with all due haste<sup>7</sup>.*

This resulted in PROC's thirty-eighth report being presented to the House on June 15, 2015, and the creation of the Code of Conduct for Members of the House of Commons: Sexual Harassment Between Members which is now found in its entirety as [Appendix II of the Standing Orders](#). It is important to note that this code applies to Members outside parliamentary proceedings as well as during sittings of the House and its committees.

This concludes our findings and analysis on issues of disorder caused by members in committees. We hope it proves useful and informative in your undertakings.

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<sup>7</sup> *Journals*, November 27, 2014, p. [1852](#).