



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

THE SPEAKER
LE PRÉSIDENT

OTTAWA, CANADA
K1A 0A6

May 13, 2020

The Honourable Pablo Rodriguez, P.C., MP
Honoré–Mercier
House of Commons
Room 217-S, West Block
Ottawa, ON K1A 0A6

Dear Minister:

As I indicated in Monday's letter, the simulation did indeed take place, and the solution meets my expectations in that it complies with the guiding principles that I believe would be advisable to follow. The Administration has provided me with further information regarding the adjustments that have been suggested to our practices as well as proposed modifications to the Standing Orders.

You will find attached the information note, which I am also forwarding to the Chair of the House's Standing Committee on Procedure and House Affairs so that it can be reviewed as part of the current study.

Sincerely,

Hon. Anthony Rota, M.P.

c.c.: Hon. Candice Bergen, P.C., M.P.
Mr. Alain Therrien, M.P.
Mr. Peter Julian, M.P.
Ms. Ruby Sahota, Chair of the Standing Committee on Procedure and House Affairs

Encl.



Virtual Chamber: key procedural issues

INFORMATION NOTE

Scope

The purpose of this information note is to set out the key procedural issues, as well as the possible adjustments, related to holding fully virtual or hybrid sittings of the House on a regular basis. It outlines potential solutions promoting a simple approach that is in line with the House's current practices, which will ultimately facilitate decision making.

KEY PROCEDURAL ISSUES

The key procedural issues related to implementing a virtual House can be grouped into four categories: 1) presence of members (quorum); 2) tabling of documents, reports and returns; 3) participation in proceedings; and 4) decision making.

1) Presence of members (quorum)

Both the Constitution (s. 48) and the Standing Orders (SO 29(1)) state that the "presence" of at least 20 members, including the Chair, for quorum is necessary to constitute a meeting of the House for the exercise of its powers:

- Since the House has the exclusive right to regulate its internal affairs, it should be able to define what "presence" means. See the remarks of the Clerk and of the Law Clerk and Parliamentary Counsel of the House in the Standing Committee on Procedure and House Affairs (Evidence, April 21, 2020, pp. [13-16](#)).
 - An amendment to Standing Order 29(1) could clarify that members participating virtually count for quorum purposes.
 - Only members who are using video would count for quorum purposes.

2) Tabling of documents, reports and returns

The Standing Orders and House practices currently require that tabled documents, reports and returns be signed originals. Reports from committees and interparliamentary delegations, as well as petitions, must also be submitted to the House with an original signature.

- An email-based electronic tabling system could be introduced for tabling papers with both the Table Officers and the Clerk of the House. This electronic tabling system could be accessible

both to private members and to the government. The practice could also be expanded so that it would be possible to table reports and petitions electronically by sending an email to this effect before addressing the House.

3) Participation in proceedings

The Chair must be able to manage the business of the House by maximizing opportunities for participation, while preserving order, decorum and parliamentary privilege:

- “Normal” speaking: The business of the House is generally predictable and orderly. The Chair currently relies on rotation lists submitted in advance by the parties to recognize members, and this practice can be maintained. The parties could specify which members will be present in the Chamber and which will be participating via videoconference, as appropriate.
- “Impromptu” speaking: Members may raise impromptu points of order or questions of privilege (SO 48(1)), present petitions, and ask questions and make comments after a speech.
 - As with standing committees of the House, the Chair should proceed slowly and cautiously to ensure that members wishing to participate in the proceedings are recognized. Members who wish to raise a point of order would only have to turn their microphone on to do so.
 - The use of features built into the videoconferencing system (e.g. “raising your hand” in Zoom) could help manage interventions made following a point of order (this is currently the practice in committees) or make it possible to participate in the period reserved for questions and comments.
- The moving of motions (substantive, dilatory, in amendment): The current practice is to sign and submit in writing (SO 65) any motion that is moved in order to make it available to the Table Officers and the Chair to judge its admissibility, and in order to allow the Chair to read and move the motion to the House.
 - An email address could be used to allow members who are participating via videoconference to submit the text of their motions and amendments to the Table in advance. The Table Officers will be able to provide support to the Chair if it requests an opinion regarding the admissibility of the motion, to print the motion so that it can be duly moved, and to distribute it to the members who request it.
 - When a motion on the Order Paper or Notice Paper is moved (e.g. a motion for the concurrence in a committee report or motions at report stage), the member who made the motion, as well as the seconder, would be present via videoconference, and would be using the video feature.
 - The only motion that would not apply and that would therefore be inoperative in the context of virtual sittings is the motion that “a member be now heard.” In these circumstances, the application of SO 62 would therefore have to be suspended.
- Preserving order and decorum: Members will be in physical locations that are vastly different from one another. In these circumstances, how can we ensure that decorum is maintained and that, for example, accessories and signs of a political nature are not present?

- As is the current practice, the Chair maintains order and decorum and makes decisions with respect to points of order. Therefore, the Chair can intervene on any matter of decorum on its own initiative or on a point of order raised by a member. In this regard, the virtual environment makes it possible for the Chair to mute a member's microphone.
- Guidelines could be put in place with respect to background visuals to ensure that the decorum and dignity of the House are preserved.

4) Decision making

The Chair must be able to put questions and allow the House to make decision by unanimous consent, voice votes and recorded divisions:

- Specifically, for requests of unanimous consent, the Chair must be able to know whether there are members opposing such a request. This could be done by, for example, only asking members who oppose the motion to say no.
 - The Chair will, in all cases, need to proceed slowly and cautiously to ensure that the will of all members participating in the sitting is understood.
- The Chair must also be able to count the five members required for a recorded division to be taken (SO 45(1)); and to count the 10, 15, 20 or 25 members objecting to a particular question when the question on a motion is put (SO 53(4) and 56.2(2), 26(2), 98(3)(a), and 56.1(3) respectively).
 - We could use videoconferencing features (such as the "raising your hand" feature in Zoom) to count virtual participants in such circumstances.
- Electronic remote voting could be introduced to allow the taking of virtual recorded divisions.
 - In order to ensure that member voting is reliable, a protocol for identifying members must be created.
 - An adjustment to the customs of recorded division bells will be needed. The answers to the following questions would help better guide the House Administration in devising a solution.
 - Would the members be notified that a vote is taking place as soon as the Chair summons the members and requests to activate the bells?
 - Since it is not possible to provide a list of members who are participating via videoconference at a specific time and within the prescribed time frames, would members accept to be exempted from being present when the issue is put to a vote, in keeping with the current practice?
 - How long would the electronic voting have to last for the Clerk to be able to compile and announce the outcome according to the usual practice? For how long would the bells be rung?
 - Would all members participate in electronic voting, including those who are present in the Chamber, if hybrid sittings are proposed? Should we anticipate a combination of electronic voting and traditional voting in the Chamber?

- Should the solution provide for Whips adhering to the practice that involves applying the results of previous votes to other motions?

PROPOSED AMENDMENT TO THE STANDING ORDERS

A general amendment to the Standing Orders could give the Chair the power to adjust the practices and rules of the House to allow for virtual participation by members. This would avoid amending the Standing Orders in an overly focused manner, which would prevent the House from conducting its business effectively.

A second amendment could specify that members who are participating remotely count for the purposes of quorum.

A third amendment could give standing, legislative and special committees the authority to meet virtually, as some have done in recent weeks.

The application of these provisions could be narrowed to apply only in emergency situations:

“That — the Standing Orders be amended by adding the following standing orders:

‘1.2. Remote participation by members.

If the Speaker believes that there is an emergency, after consultation with the House Leaders of the recognized parties, the Speaker may modify the application of any provision of the Standing Orders or any special order or practice of the House to authorize the remote participation of members in the proceedings of the House and its committees.’

‘29. (1)(b) Remote participation

Members who participate remotely, pursuant to Standing Order 1.2., in a sitting of the House are deemed to be present for quorum and other purposes.’

‘115(6) Virtual meetings.

In an emergency pursuant to Standing Order 1.2, standing, special and legislative committees are authorized to hold virtual meetings where members and witnesses participate remotely by video or teleconference.”