
The New English Standing Orders of the Quebec National Assembly

by Charles A. Bogue

What if specialists in English literature one day discover a work in French that they suspect to be the translation of an hitherto unknown play by Shakespeare. The original having inexplicably disappeared, they decide to bring the full weight of their knowledge to bear in order to reconstruct the lost text from the translation. How ought they to proceed? Whimsical though such a question may seem in the pages of a parliamentary review, the scenario described above actually proved quite relevant at the National Assembly for it was precisely this spirit that led to the production of a new English version of the Standing Orders. This article outlines the evolution of the Standing Orders and explains how the project was undertaken.

In order to clarify why it was deemed necessary to prepare new Standing Orders in English, it will be helpful to review the evolution of the rules of procedure of the National Assembly. By simplifying the facts somewhat, we can identify four major phases in the evolution of the Standing Orders.¹

Historical Overview

First phase (1793 to 1912): During this period the rules of procedure are virtually identical to those observed in London, with English being the original language. The French translation was at times of doubtful quality and sometimes failed to reproduce precisely the sense of the English. The quality of the French text improved considerably towards the end of the nineteenth century.

Second phase (1912 to 1972): The rules underwent a profound change under Clerk Louis-Philippe Geoffrion. With his vast knowledge of the British parliamentary system, Geoffrion created over time a formidable work

that, with its 812 rules, is one of the most voluminous sets of Standing Orders in the Commonwealth. As to their language, these Standing Orders appear to represent a transitional phase: although the French text is in principle the original, some parts nevertheless leave the impression of having been borrowed from English sources and translated into French.

Third phase (1972 to 1984): The revision of the Standing Orders undertaken by the President Jean-Noël Lavoie greatly simplifies the Assembly's procedure while reducing the number of rules from 812 to 180. Written in a more modern French than that of their predecessors, these Standing Orders were also the first whose French version is unquestionably the original.

Fourth phase (1984 to the present): A new revision of the Standing Orders under President Richard Guay brought further improvements to the French-language terminology.

Thus, at the present-day stage of this evolution (which has surely yet to be completed), Quebec as heir to a parliamentary system conceived and transmitted in English possesses Standing Orders in French that do full justice to its own special genius and are suited to its indigenous practice.

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appeared to have been seriously uprooted, at least as far as language was concerned. Hence the desire to translate the Standing Orders anew.

The Scope of the Project

The first problem was to ascertain whether the uprooting had occurred only on the linguistic level or whether a real divergence had developed between parliamentary democracy as practised at the National Assembly and that of other Commonwealth Parliaments.

Appearances notwithstanding, it was suspected that an important part of the British parliamentary heritage had probably survived in the rules and practices of the National Assembly, albeit in veiled or even profoundly altered form.

But if the core of this parliamentary system has remained intact, would it not then still be appropriate today to employ in the English Standing Orders the terminology by which this system has traditionally expressed itself?

If that were the case, the second problem would then be to delimit precisely the similarities and the differences between the Quebec Standing Orders and those of other assemblies in such a way as to create a new English text that would be as "authentic" as possible. Indeed, to the extent that the current rules of procedure reflect the letter or at least the spirit of this parliamentary heritage, it seemed reasonable not merely to translate the French text but rather to "reconstitute" the — obviously hypothetical — English text that would have existed had the contemporary Standing Orders been written, like their early predecessors, originally in English.

A painstaking comparative study of the rules of the National Assembly and those of its sister assemblies was thus essential. But which rules were to be studied, and how?

The National and International Contexts

To situate the Quebec Standing Orders more exactly within the Canadian context, the Standing Orders of the House of Commons as well as those of the ten Canadian provinces and two territories were examined. To lend the study an international dimension, and given the importance in the British parliamentary system of the House of Commons in London and of the Houses of Representatives of Australia and New Zealand, the Standing Orders of these Parliaments were likewise included.

But the Quebec historical context was important too, for it was essential that the new English Standing Orders be in harmony with the parliamentary tradition of Quebec. For the purposes of this research, then, the

Geoffrion and Lavoie Standing Orders, mentioned above — which enjoy even today a certain interpretive value in Quebec parliamentary practice — had also to be considered.

To bring the study full circle, however, it was decided to consult as well the 1895 *Manual of the Legislative Assembly of Quebec*. These rules, largely forgotten today, bear sometimes astonishing resemblances to the contemporary Standing Orders of certain Canadian assemblies. Moreover, they are the last parliamentary rules in Quebec that were likely to have been drafted originally in English.

The reader will be spared the details of the methodology used to effect the comparison among the various Standing Orders examined. Suffice it to say that a system of concordances was devised that made it possible to place side by side the thousands of rules in question and to compare them section by section, sentence by sentence, and even word by word, so as to highlight their similarities and differences. These concordances were in turn used to compile an annotated version of the Standing Orders that, one may hope, will prove useful to drafters of future amendments or recastings of these orders.

What the Comparative Study Shows

The comparative study confirms the original hypothesis: the National Assembly's rules of procedure remain in large measure — indeed, to an astonishing degree — faithful to the principles and practices of the British parliamentary system.

It also enables one to delve behind the apparent homogeneity of the current Standing Orders to uncover the thread linking the evolutionary process they have undergone since 1793. In fact, when examined closely, these orders clearly reveal not only how deeply Quebec has set its roots into traditional parliamentary soil but also that there is really something new under the sun in Quebec.

As examples of what is new here one can cite two procedures peculiar to the standing committees of the Assembly: the interpellation (an exchange between the members of a committee and a minister regarding a subject that falls within his jurisdiction) and the examination of financial commitments (the scrutiny of sums of money that the public administration has firmly committed itself to spending, a process that must be clearly distinguished from the review of the public accounts). We believe these procedures to have no direct equivalent elsewhere in the British parliamentary system.

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One might mention as well the limited debate, that is to say a debate of not more than two hours which is required for the carrying out of certain acts of the Assembly. A debate of this kind must be organized by the President of the Assembly in consultation with the House leaders of the parliamentary groups. This procedure likewise appears to be unique to the National Assembly.

Although parliamentary democracy in Quebec has given birth to a few novelties, other acts of procedure remain firmly anchored in the British parliamentary system but have nevertheless undergone an evolution leading to the emergence of what might be termed "hybrid" procedures.

A particularly interesting "hybrid" is the debate on the opening speech of the session. In Quebec there are really two speeches: that by the Lieutenant Governor, which formally opens the session, and another by the Prime Minister immediately thereafter. Only the latter is actually debated, at least in theory. What is more, the traditional address in reply to the Lieutenant Governor's speech, to which the opposition customarily moves amendments seeking to transform it into a want of confidence motion, disappeared long ago in Quebec. Instead, each Member who speaks in the debate on the opening speech may move his own want of confidence motion; when the debate is concluded, the question is put successively on the several motions.

Thus, while this cornerstone of parliamentary procedure is still present in Quebec, it differs markedly from equivalent procedures at other Parliaments.

Nevertheless, we must not let these peculiarities of Quebec practice blind us to the deep common bonds that unite the parliamentary system in Quebec and the British parliamentary system in general. In reality, not only the substance of Quebec practice but sometimes even the form it assumes adhere quite closely to the essential features of the British system.

In particular, the following may be noted as testifying, in the main, to an undeniable traditionalism:

- the election of the President (Standing Orders 5 to 8 of the National Assembly);
- the maintenance of order and decorum (Standing Orders 29 to 44);
- the tabling of petitions and the criteria for their receivability (Standing Orders 62 to 64);
- parliamentary privilege (Standing Orders 67 to 70);
- oral questions (Standing Orders 74 to 82) and written questions (Standing Orders 313 and 314);
- the consideration of public bills (Standing Orders 229 to 257);
- the consideration of private bills (Standing Orders 264 to 270 and rules 32 to 41 for the conduct of proceedings); and
- adjournment debates (Standing Orders 308 to 312).

Even financial procedures i.e. the budget debate and the examination of the estimates of expenditure remain faithful, at least in their broadest outlines, to that of the larger British parliamentary system.

Furthermore, the Standing Orders of the National Assembly occasionally set forth in explicit terms principles and practices that, while they are almost universal in the parliamentary system, usually remain part of the unwritten tradition.

As an example, the Assembly's Standing Orders describe the role, the powers, and the authority of its President in a wealth of detail that is not to be found in the Standing Orders of other assemblies within the British system; yet the provisions in question do little more than set forth in black and white the powers with which British Parliaments ordinarily invest their presiding officers.

The Role of the New English Standing Orders

Interesting though the above observations may be, it must not be forgotten that the research which made them possible was done with a view to producing a new English text of the Standing Orders of the National Assembly. We would accordingly be remiss if we did not at this point ask ourselves a question that — to return to the original scenario with which the article opens — might be formulated as follows: Have we really succeeded in reconstituting the "lost," albeit hypothetical, English "original" of the Standing Orders.

The duty of pronouncing judgment on the intrinsic worth of the new text ought best to be left to others. Regarding its usefulness, however, it might be appropriate to suggest here, two roles that it could play, regardless of its inevitable defects:

For those working at the National Assembly, whose English-speaking parliamentary tradition has faded with the passage of time, the new English Standing Orders may perhaps re-establish a kind of "missing link" between an almost forgotten past and an ever evolving present.

On the other hand, for colleagues working outside Quebec, who most often consult the English version of our Standing Orders, the new English text should not only be more easily comprehensible but should also underscore the fact that the National Assembly, far from

being the anomaly in the Commonwealth parliamentary system that some suspect it to be, remains a member of the very same system that gave birth to all Canadian Parliaments.

The ultimate value of this project may reside in the fact that it has illuminated at once the profound similarities among the various Canadian Parliaments and the remarkable flexibility inherent in the parliamentary system of which the National Assembly is a part. Indeed, as one surveys the rules of procedure of the several Canadian assemblies, one cannot but be struck, despite the many variants that are to be encountered, by the common substance and spirit that unite Parliaments not only in Ottawa and Quebec City but from Victoria all the way to St. John's.

We might note in closing that on May 26, 1994 the new English text of the Standing Orders has received the unanimous support of the parliamentary groups in the National Assembly. After the President of the Assembly, Jean-Pierre Saintonge, tabled this text and moved its

adoption on May 26, 1994, the Government House Leader, Pierre Paradis, expressed his pleasure at having been able to collaborate in its preparation. Guy Chevrette, the Official Opposition House leader, then delivered his own appraisal.

... having examined this new version, I can state that the finished product is an especially happy one which, by its choice of vocabulary, admirably reflects our parliamentary tradition in all its richness, yet remains exceedingly faithful to the genius of our Standing Orders in French. I should hope, Mr. President, that other parliamentarians who will have occasion to read our Standing Orders in the future will derive still greater inspiration from them and from our parliamentary tradition as well.◆

Notes

1. This brief overview is based on a paper by André Beaulieu, "Évolution de la procédure parlementaire depuis 1793" (unpublished), Conversation du patrimoine et des archives, National Assembly, March 1987.