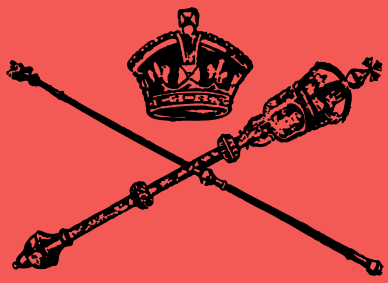

The Table

THE JOURNAL
OF THE SOCIETY OF
CLERKS-AT-THE-TABLE
IN
COMMONWEALTH PARLIAMENTS

VOLUME 93
2025

The Table

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COMMONWEALTH PARLIAMENTS

EDITED BY
MICHAEL TORRANCE &
JOE BERRY

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Contents

EDITORIAL

In the previous edition I mentioned the diligent efforts of Joe Berry, the deputy editor, to digitise the historic, and hitherto hard copy only, volumes of *The Table*. The journals from 1932 to 1987 are now available on the Society of Clerks-at-the-Table (SOCATT) website, and Joe hopes to digitise the remaining volumes as soon as time allows.[1]

This year's edition of *The Table* begins with an article by Carlos August-Phillips, the Head of Legislative Services in the Tynwald, about the Assisted Dying Bill's journey in the Manx Parliament. While similar bills are still being considered in the UK and Scottish Parliaments, the Tynwald was the first legislature in the British Isles to successfully reach agreement on this contentious area of public policy.

We then turn to John Owen for an informative overview of how the House of Commons service prepared for the significant turnover of MPs following the 2024 general election, including the induction arrangements for ensuring they settled into their role as legislators as quickly as possible.

It's a happy 200th birthday to the New South Wales Legislative Council, which is marked by the president of that legislature, the Hon Ben Franklin, providing an overview of the events that took place to mark that occasion, including reflections on the origins of the Legislative Council and its subsequent evolution.

The next article is from James Whittle, the Chief of Staff at the House of Lords, who asks if the management and administration of the House is unique – in the context of public administration more generally.

Colin Lee – who has recently retired from the House of Commons – has completed his study of the procedural history of the UK House of Commons in the nineteenth century, with two interesting pieces – the first about Archibald Milman and the control of supply and the second about the interplay between the courtship and marriage of a junior clerk and the daughter of the then Clerk of the House of Commons and broader office politics in the Clerk's Department.

Our final article is by a former Clerk of the Canadian House of Commons, Charles Roberts, who considers the perils of relying upon another jurisdiction's

[1] https://www.societyofclerks.org/publications.html

approach to procedure in the first of a two-part piece about how privilege matters have been dealt with by the Canadian Speaker and the House of Commons.

This edition also includes the usual interesting updates from jurisdictions and the comparative study on what support jurisdictions offer to former members.

MEMBERS OF THE SOCIETY

AUSTRALIA

Australia House of Representatives

Mr James Catchpole and **Mr Russell Chafer** retired in 2024. The following other members were promoted or rotated to the above positions during 2024: **Mr Justin Baker**, **Ms Fleur Hall**, **Dr Glenn Worthington**, **Ms Leanne Long**, **Ms Natalie Cooke**, **Ms Kate Portus** and **Ms Pauline Cullen**.

CANADA

Senate

At the beginning of the Senate sitting on 7 May 2024, **Shaila Anwar** was introduced as the 17th Clerk of the Senate and Clerk of the Parliaments, having assumed the role the previous day. Ms. Anwar joined the Senate Committees Directorate in 2007 as a procedural clerk. She took on increasingly senior roles in the Senate Administration, most recently as Clerk Assistant of the Committees Directorate.

Gérald Lafrenière, who served as the 16th Clerk of the Senate and Clerk of the Parliaments on an interim basis from December 2020 until May 2024, was appointed Deputy Clerk, Legislative Services, on 6 May 2024.

On 28 August 2024, many changes to the Senate of Canada's Legislative Services management team were announced. **Marie-Ève Belzile** became the Clerk Assistant and Director of the Senate's Committees Directorate, **Mireille Aubé** became a Principal Clerk in the same directorate, and **Kevin Pittman** became the Acting Principal Clerk, Parliamentary Exchanges and Protocol, International and Interparliamentary Affairs Directorate.

Alberta Legislative Assembly

Janet Schwegel, Table Officer from 2019-2024, has retired. Janet started her career at the Legislative Assembly of Alberta as an input editor for Alberta Hansard, working her way all the way up to Managing Editor within 10 years. She capped her career by being appointed Director of Parliamentary Programs, which not only included oversight of Alberta Hansard but also of the

Assembly's outreach branch, Visitor Services, as well as Venue Services.

Legislative Assembly of British Columbia

In September 2024, **Kate Ryan-Lloyd**, Clerk of the Legislative Assembly, **Seunghee Suzie Seo**, Law Clerk and Parliamentary Counsel and **Artour Sogomonian**, Clerk Assistant, Parliamentary Services were each awarded a King Charles III Coronation Medal in recognition of their service to the Legislative Assembly of British Columbia.

Manitoba Legislative Assembly

Following the appointment of **Rick Yarish** on 23 November 2023, as the 14th Clerk of the Legislative Assembly of Manitoba, the Assembly announced the appointment of **Tim Abbott** as the new Deputy Clerk effective 5 February 2024. On 6 May 2024, **Melanie Ching** was hired as the new Clerk Assistant/ Clerk of Committees, joining the other Manitoba Clerks at the Table.

Prince Edward Island Legislative Assembly

On 21 November 2024, upon adoption of a report by the Standing Committee on Legislative Assembly Management, the House appointed **Samantha Lilley** as Clerk Assistant under the *Legislative Assembly Act*.

Saskatchewan Legislative Assembly

Danielle Humble-Selinger, formerly the Senior Procedural Clerk, was appointed Clerk Assistant and Table Officer in September 2024. **Kenneth Ring**, Law Clerk and Parliamentary Counsel since 1999 and Table Officer since 2007, retired in October 2024.

ISLE OF MAN

Tynwald

Malachy Cornwell-Kelly, former Clerk of Tynwald and Secretary of the House of Keys, died in May 2024. **Arthur Bawden**, former Clerk of the Legislative Council, died in May 2024.

NEW ZEALAND

House of Representatives

David Wilson, Clerk of the House of Representatives of New Zealand, was awarded a PhD in Political Science by Te Herenga Waka—Victoria University of Wellington. His thesis, *Influences on parliamentary procedure in New Zealand 1935 – 2015*, is available at openaccess.wgtn.ac.nz.

THE ISLE OF MAN'S ASSISTED DYING BILL: A PARLIAMENTARY JOURNEY

CARLOS AUGUST-PHILLIPS
Head of Legislative Services, Office of the Clerk of Tynwald

Introduction: No Man is an Island

The Isle of Man's Assisted Dying Bill 2023 completed its journey through the Manx Parliament on 25 March 2025 but at the time of writing, nearly a year later, had not received Royal Assent. This delay is unusual but not unprecedented and has been the subject of parliamentary questions in both the House of Keys and the House of Lords. In approving the text of the Bill, Tynwald became the first parliament in the British Isles to have taken this step.

The adage 'no man is an Island' rings true of the subject in these Isles, as comparable legislation is under varying stages of consideration in England and Wales, Scotland and the Channel Islands.

In this Island, the topic has been of parliamentary interest for some years. Former proposals for reform have included three leave to introduce motions, one debate, and one select committee report.

The present Bill's parliamentary journey has not been a linear one, but rather a meandering progress which along the way has included public consultation, referral to a Bill Committee, various amendments, calls for a referendum and the taking of evidence remotely during plenary sittings by both Branches: the popularly elected House of Keys and indirectly elected Legislative Council, concluding with a finale of parliamentary ping-pong between both Branches during the latter stages.

The Bill was moved in a personal capacity by Hon Dr Alex Allinson MHK, Member for Ramsey; leave to introduce was given by the House on 24 May 2022[1] with the following motion:

> "That leave be given to introduce a private member's bill to enable adults who are terminally ill to be provided at their request with specified assistance to end their own life; and for connected purposes."

Dr Allinson also serves as Treasury Minister in the Isle of Man Government. However, as the Bill was not a Government initiative, no civil service resource was provided. The Bill was therefore purely a parliamentary matter with individual members able to vote as they wished.

[1] Official Report (Hansard), House of Keys, Tuesday 24 May 2022

Public Consultation: Enhancing provision for Private Members' Bills

Ahead of the Bill's legislative journey, a public consultation was conducted over eight weeks, from December 2022 to January 2023. The mover published a consultation summary which noted extensive publicity in the media regarding the topic including distribution of leaflets and public meetings, indicating the public interest generated by the Bill.[2]

The Bill's consultation received a total of 3,326 submissions, predominantly from individuals living on the Island but also including those from professional groups and organisations in the UK and further afield.

The response number was relatively high for a population of 84,523 where such consultations do not typically generate such engagement.[3] There was, however, some confusion around the hosting of the consultation on the Government website consultation platform. As the mover himself noted:

> "The use of the government consultation website caused some respondents to assume that the proposed legislation was being promoted by the Isle of Man Government rather than being a parliamentary matter. A press release clarifying this was issued by the Cabinet Office. The administration of the responses was undertaken by staff from the Clerk of Tynwald's Office and it is anticipated that with future Private Members' Bills they would organise any public consultation on a separate platform."[4]

Following this, the Clerk's Office moved to provide a standalone consultation feature on the parliamentary website for private members' bills, alongside a web-based presentation tool to assist parliamentarians moving such Bills in communicating both the scope and progress of their legislative initiatives. This was amongst the first of several changes in practice and procedure inspired by the Bill's passage.

First Reading

In the House of Keys the Bill underwent its First Reading on 27 June 2023[5] comprising the customary reading aloud of both the title and mover's name by the Secretary of the House; this procedural simplicity contrasted with the complexities that followed.

[2] Assisted Dying – Report on the Public Consultation on a Private Members' Bill, updated 3 April 2023

[3] Isle of Man Government Population Report 2024, February 2024

[4] *Ibid* at 2, Assisted Dying – Report on the Public Consultation on a Private Members' Bill

[5] Official Report (Hansard), House of Keys, Tuesday 27 June 2023

Second Reading

At Second Reading on 31 October 2023[6] members commenced a lengthy debate including the sharing of personal insights and views, one contribution citing a pertinent quote from the science-fiction writer Isaac Asimov that:

"Life is pleasant. Death is peaceful. It's the transition that's troublesome."

The weight of responsibility and impact of the legislation was noted by the Honourable Member for Douglas North, David Ashford MBE MHK, who remarked that the Bill:

"… if enacted, would bring about one of the biggest social shifts that our Island has seen in most of our living memories. It is therefore absolutely essential that as this Bill progresses it is given the due diligence and scrutiny that such a major social change deserves."

The sitting concluded in at 6.11pm, members having voted to extend sitting beyond the customary 5.30pm end time so as to complete Second Reading, which the Bill did successfully with 17 votes for, and 7 against.

Committee on the Bill

At the sitting of the House of Keys on 7 November 2023,[7] the following motion was supported:

"That the Clauses of the Assisted Dying Bill 2023 be referred to a Committee of five Members to consider and report by the end of February 2024."

This referral to a Committee was an unusual development. Although provided for in the Standing Orders of the House of Keys, Bill Committees are few and far between, the vast majority of the legislative process (including the Clauses stage, equivalent to the committee stage in many other jurisdictions) normally being undertaken by the whole Chamber.

Members were elected to serve on the Committee at the same sitting, comprising the mover and four others. In their final report, the following quote summarised the approach taken:

"The Committee notes that the Assisted Dying Bill 2023 ("the Bill") has successfully completed its Second Reading in the Keys. Having done so, the Committee considers that the general policy principles have been agreed by the House, and does not propose to revisit these. Rather, in tasking the Committee to report on the Clauses, the Committee believes this to include the overall operation of the Bill, as currently drafted. The focus has therefore been on examining the Clauses for their practical application, any relevant technical aspects and wider effects, and also regulatory or statutory considerations."[8]

[6] Official Report (Hansard), House of Keys, Tuesday 31 October 2023

[7] Official Report (Hansard), House of Keys, Tuesday 7 May 2024

[8] PP 2024/0048, House of Keys Committee on the Assisted Dying Bill Report, p.2

Highlights included the taking of evidence in private session from His Honour the First Deemster, His Worship the High Bailiff – both senior judiciary office holders – and the Chief Registrar, who attended a private meeting of the Committee for a discussion around the registration of deaths and the practical impact which the Bill as introduced might have had on the work of the Coroner of Inquests and Courts. This discussion arose following prior correspondence between His Honour and the mover, provided to the Committee separately, with that correspondence itself also being the subject of a parliamentary oral question.[9]

The Committee's report reproduced the position of the Judiciary, as below:

> "It is essential to state that it is not for the Judiciary to comment on the policy of the Legislature or the Executive, save as to whether such is within the scope of legislative policy. It is key that the separation of powers is maintained and the independence of the Judiciary protected and enhanced. It is on this basis that general comments are provided, and, as you shall see, these are more technical in nature as to how the Bill, if enacted, would practically impact the running of the Courts."[10]

The Committee also collectively discussed and appended their own draft amendments. These were for information only, an uncommon occurrence for a Manx Bill Committee.[11] They were not moved by the Committee itself, but were included as illustrative of the type of amendment that members might individually wish to make themselves.

The Committee's report was published on 28 March 2024 and was debated and received without division in the House of Keys on 23 April 2024.[12]

Clauses stage & Committee of the Whole House

The Clauses stage commenced on 7 May 2024[13] with the Speaker's opening remarks referencing a circulated schedule setting out the administrative arrangements around handling the Bill, needed given the expectation of numerous amendments, which indeed transpired.

Consideration of Clauses continued with further sittings on the 14 May

[9] PP 2024/0055, Order Paper, House of Keys, Tuesday 23 April 2024, Q1

[10] *Ibid* at 8, PP 2024/0048, p.4

[11] *Ibid* at 8, PP 2024/0048, Appendix 2, p.193

[12] Official Report (Hansard), House of Keys, Tuesday 23 April 2024

[13] Official Report (Hansard), House of Keys, Tuesday 7 May 2024

2024[14], 11 June 2024,[15] 25 June 2024[16], 1 July 2024[17] and 9 July 2024[18] many of which comprised lengthy all-day sessions, with the need for extended or additional sittings being a still relatively rare occurrence.

Per Standing Orders, at any stage during the consideration of a Bill, the House may resolve itself into a Committee of the Whole House[19] to allow for a free form of debate and for oral evidence to be heard, and this was done extensively during Clauses. A further procedural innovation occurred with the taking of such evidence remotely online, with Parliamentary staff providing audio-visual support to the Speaker, members, and the wider public following proceedings both in the Chamber and at home. As might be expected, this support was delivered against the backdrop of international media interest, making the delivery of such all the more important from a reputational point of view.

The Standing Orders Committee of Tynwald Court, whose members include all the members of the Standing Orders Committee of the House of Keys, has since reflected on the experience in slower time and has proposed revisions to Standing Orders to further codify arrangements and provide for procedural improvements to the process of hearing evidence in this manner.[20]

Of the many amendments put forward, one which generated considerable debate was tabled by the Island's Chief Minister which proposed putting the legislation to a public referendum but this was ultimately unsuccessful, being defeated by 12 votes to 11.

Following on from such, at the same sitting on 1 July 2024, the Honourable Member for Douglas Central, Chris Thomas MHK, was successful in separately seeking leave to introduce a private member's bill to make provision about the purpose of referenda; donations, finances and campaigns in connection with referenda; the holding and conduct of referenda; and for connected purposes.

Third Reading

The House of Keys considered Third Reading on 23 July 2024 [21] in which the mover of the Bill, Hon Dr Alex Allinson MHK, summarised the contributions made and thanked the legal drafter for compiling an amended version of the

[14] Official Report (Hansard), House of Keys, Tuesday 14 May 2024
[15] Official Report (Hansard), House of Keys, Tuesday 11 June 2024
[16] Official Report (Hansard), House of Keys, Tuesday 25 June 2024
[17] Official Report (Hansard), House of Keys, Monday 1 July 2024
[18] Official Report (Hansard), House of Keys, Tuesday 9 July 2024
[19] Standing Orders of the House of Keys, 4.4A
[20] PP 2025/0080, paragraphs 42 to 44
[21] Official Report (Hansard), House of Keys, Tuesday 23 July 2024

Bill, subsequent to completion of the Clauses stage. His contribution included the observation that:

> "What started out as a Bill put forward by one Member is now a piece of legislation amended and improved by this whole House."[22]

The debate continued with Honourable Members articulating their respective views and observations as to the perceived merits or shortcomings of the Bill and its passage thus far. At the conclusion of a robust debate, the Third Reading duly passed with 16 votes for and 8 against.

Legislative Council: Principles, Evidence, Clauses and Final Stages

Having completed its consideration by the House of Keys, the Bill was transmitted to the other Branch of Tynwald, the indirectly elected Legislative Council, where it was remarked that:

> "[…] the value of a revising chamber really does come into its own with a complex piece of legislation."[23]

The Principles Stage took place on 22 October 2024[24] and mirrored that of the Keys, insofar as the context and background to the Bill were remarked upon by members, leading to the moving of an amendment that an optional Evidence Stage be taken with seven votes for, and one against.

Similarly, during the Evidence Stage held on 26 November 2024[25] further subject matter experts were heard from, both in person and remotely, including the taking of evidence from the mover of the Bill in the House of Keys, Hon Dr Alex Allinson MHK, with procedural provision made under a little-used Act of Tynwald of 1961 for his attendance as a witness before the other Branch.[26]

Consequently, at the Clauses Stage on 17 December 2024[27] several amendments were proposed, both successfully and unsuccessfully. One particularly substantive amendment comprised the necessity for the commencement of capacity legislation to align with that of assisted dying provision, with five votes for, and four against.

By the time of reaching the Final Stage on 28 January 2025[28] – the equivalent of the Third Reading in the House of Keys – there remained further amendments to consider, albeit requiring a greater threshold for having been

[22] *Ibid* at 20, 23 July 2024

[23] Official Report (Hansard), Legislative Council, Tuesday 22 October 2024, p.13

[24] *Ibid* at 22, 22 October 2024

[25] Official Report (Hansard), Legislative Council, Tuesday 26 November 2024

[26] Isle of Man Constitution Act 1961, section 9

[27] Official Report (Hansard), Legislative Council, Tuesday 17 December 2024

[28] Official Report (Hansard), Legislative Council, Tuesday 28 January 2025

brought at a late stage, with no fewer than six votes required.[29]

Ultimately, Legislative Council coalesced around a set of amendments[30] and the Final Stage passed with seven votes for, and one against. The Council's amendments were collectively put back to the House of Keys in turn on 25 February 2025[31] where they were either disagreed with or successfully amended.

The original mover of the Bill in Council, Peter Greenhill MLC, having since retired, it was subsequently moved by Rob Mercer MLC that the Council 'do agree with the Keys amendments' on 25th March 2025 – which it duly did, thereby concluding scrutiny of the Bill.

Concluding remarks: Royal Assent and beyond

At the time of writing, the Bill has formally been transmitted for Royal Assent. Historically this was given by the Monarch in Council but today most Bills are dealt with by the Island's Lieutenant Governor who is advised by the UK Ministry of Justice. Once a Bill has received Royal Assent it becomes an Act of Tynwald. The earliest date on which an Act can commence is when it is announced in Tynwald Court that it has received Royal Assent.

In common with every Act, it will then have to be promulgated (i.e. announced) at the next practicable Tynwald Day – which is both the Isle of Man's national day and an annual outdoor sitting of the world's oldest parliament in continuous existence. Promulgation is not necessary before an Act comes into operation but must take place within eighteen months of the Act being passed, or the Act will cease to have effect.[32]

A copy of the final draft as has completed passage through the Branches is available to peruse on the Tynwald website.[33]

Beyond this, in terms of practical application there remain Commencement Dates and Appointed Day Orders to follow, as per the text of the final agreed Bill.

In quoting an excerpt of the contributions made during the Bill's passage, it has been said that the topic of assisted dying is "rightly deserving of sensitivity,

[29] Standing Orders of the Legislative Council, 4.3(20)

[30] PP 2025/0006, Legislative Council, Tuesday 28th January 2025 Order Paper: proposed amendments were moved in groupings; including unsuccessful proposals for the definition of an approved social worker, specifying the clinical experience of an attending doctor, and countersigning by both an independent doctor and an approved social worker. Amendments inserting the General Medical Council reference number for an independent doctor and including references to undue influence were supported.

[31] Official Report (Hansard), Legislative Council, Tuesday 28 February 2025

[32] Legislation Act 2015, s.12, AT 10 of 2015

[33] Assisted Dying Bill 2023, Draft incorporating amendments agreed in the Branches.

care and consideration".[34] These words seem self-evident and appropriate ones with which to conclude, the Bill having received exactly these during its parliamentary traversing.

[34] *Ibid* at 12, 23 April 2024, p.35

PREPARATIONS FOR THE 2024 UK PARLIAMENT

JOHN OWEN
Senior Responsible Officer, General Election Planning Group[1]

Background

The House of Commons started detailed planning for a general election in 2022, at the mid-point of the Parliament. While the latest date a general election could have taken place was in January 2025, arrangements had been made to ensure all areas were ready to deliver the plans from the start of 2024.

In 2010 the House introduced a more formal approach to election planning because of the introduction of the Fixed Term Parliament Act 2011.[2] As there was greater certainty around the date of the election there was also greater expectations around the support that would be offered to newly elected members of parliament (MPs) given the longer period in which to plan. In support of this the General Election Planning Group ('the Group') looked to their counterparts in other legislatures to review its approach and to see what could be learned, with approaches used in New Zealand and Canada, among others, introduced as a result.

This period also saw significant pieces of research being carried out around election planning generally and the experiences and challenges faced by newly elected MPs, which informed the proposed scope of the Group's agreed approach.

Following the successful delivery of the 2015 general election and the positive feedback received, the approach used then has been used for all subsequent elections including in 2024.

The Group's agreed priorities for 2024 were:

- Providing greater support for departing MPs;
- Ensuring newly elected MPs are supported from day one and provided with the tools to carry out their roles;
- Increased support for MPs' staff in line with the recommendations of the Speaker's conference on the employment conditions of members' staff;
- Promotion of wellbeing and security arrangements;
- Delivering the House of Commons strategy and demonstrating the 'one House Service' approach.

[1] John Owen's day job is the Director of Strategic Business Resilience in the House of Commons.

[2] The Fixed Term Parliament Act 2011 was repealed by the Dissolution and Calling of Parliament Act 2022.

Operational response to the 2024 general election announcement

Once the date of the election was known the Group's priority was to stand up its programme of support for those MPs who had opted to stand down, and their staff. This was known as the 'departing members' area'. In total 132 MPs from the 2019 Parliament had decided to stand down, all of whom were offered a briefing with relevant House teams and the Independent Parliamentary Standards Authority (IPSA), to assist them as they began to close their offices.

Preparations for the new Parliament continued throughout Dissolution, during which the Group also took the opportunity to carry out a series of office refurbishments and additional works across the Parliamentary estate. A key element in our planning for the start of the new Parliament was the General Election Rehearsal, which saw more than 250 volunteers arrive in the House of Commons to stress test all aspects of the arrangements for welcoming newly elected MPs. The role of members was played by civil servants from a range of Government departments, so the exercise yielded an additional benefit in helping to develop their understanding of how Parliament operates. The staff volunteers from across the House Service also participated in this exercise by practising their respective election support roles.

Volunteers from areas across the House Service participating in an election rehearsal

Implementation post-election

Once the polls had closed, volunteer staff worked through the night to capture the election results as they were announced from each constituency, beginning in the early hours of 5 July. 350 MPs were elected who had not been in the 2019-24 Parliament, of whom 335 were completely new to Parliament. The Labour party replaced the Conservatives as the governing party after winning the largest number of seats and votes.

From 10am on Friday 5 July, a contact centre was up and running and beginning to call newly-elected MPs to provide practical support ahead of their arrival in Westminster. The first newly-elected MPs arrived that day, with another 124 welcomed across the weekend. All newly-elected members had arrived by the morning of Tuesday 9 July.

218 MPs from the 2019 Parliament stood in the 2024 election but were not returned to Parliament. The departing members' area opened again on the Friday to support them, holding meetings within five working days with them and their staff. Further detail about these arrangements is covered at the end of this article.

Reception and induction of new members

After arriving in Westminster Hall, new MPs visited the 'New Members' reception area' and were provided with a tour of the estate, during which services and support available to them were highlighted. They were provided with devices and connected to the Parliamentary IT network. This gave them the key knowledge they required on day one to begin working as an MP. Every new member was paired with a member of House staff who would act as their 'buddy' and be available to answer any questions they or their new staff had, in their first weeks and months in Parliament.

Portcullis House setup for arrival of new members

Information pamphlet for new MPs

After completing these initial requirements, all newly elected MPs were also encouraged to attend a seminar on 'The Behaviour Code: why it matters', which was run on demand throughout Monday 8 July and at scheduled times on subsequent days. Take up of the sessions has been exceptionally high: 98% of newly elected members have completed the Behaviour Code seminar to date, and 96% of all members have completed the Behaviour Code seminar or its predecessor, Valuing Everyone. A further session is planned for members still waiting to attend.

Tuesday 9 July began with a briefing in the Chamber provided by the Clerk of the House and other key House Administration staff, supported by an MP from each of the three largest parties. This provided an introduction to the main business, conventions and courtesies of the Chamber, accompanied by procedural demonstrations. The session also covered topics relating to swearing in, the parliamentary day, divisions, speaking in debates and asking questions.

Three further induction sessions were held following the Chamber briefing, as follows.

Setting up your office

This session provided practical advice on setting up an office and information to support the MP in their role as an employer, including the support available from the Members' HR Advice Service. The session also covered office accommodation; digital support; members' staff vetting, training and development, the role of IPSA, information on MPs' pensions, insurance policies and advice on responsibilities for handling data and information.

Session two: Standards and reputation

This session provided an overview of some of the responsibilities and obligations in relation to standards and conduct as an MP, including both internal and external standards regimes. It covered the work of the Parliamentary Commissioner for Standards, who is responsible for monitoring the operation of the Code of Conduct and related rules that apply to MPs and the Register of Members' Financial Interests. The session also provided an overview of the Independent Complaints and Grievance Scheme (ICGS) which investigates allegations of harassment, bullying or sexual misconduct.

Session three: Security and online safety

This session provided an overview of the current security and threat landscape, and how the Parliamentary Security Department works with police forces across the UK to keep members and their staff safe. The session covered practical advice on physical security, both on and away from the estate, including in the constituency. It also covered cyber security advice for both parliamentary and

personal devices, and advice on online profile and social media presence.

Within an hour of these induction sessions, the House sat for the first time to elect a Speaker and begin swearing in its new members. Speaker Hoyle was re-elected without any dissent. The majority of new members took the oath or made the affirmation on Wednesday 11 July.

Departing MPs

As mentioned above the departing members areas was stood up initially in Portcullis House for 10 days following Dissolution for MPs standing down and then in Richmond House for 7 days after polling day for MPs who lost their seats. Compared to the support provided to departing MPs following previous elections, the support provided following the 2024 election was informed by the 2023 House of Commons Administration Committee report 'Smoothing the cliff edge'.[3]

Support for departing MPs

[3] House of Commons Administration Committee, *Smoothing the cliff edge: supporting MPs at their point of departure from elected office* (First Report of Session 2022-23, HC 209)

MPs who were standing down were met by HR at least once in the run up to dissolution to help them start prepping. At the departing members' areas MPs also saw digital, security, information compliance, Members HR and IPSA – with all these teams taking MPs and their staff through the processes needed to wind-up their offices. The Parliamentary Health and Wellbeing Service were on hand to meet MPs if needed and the Speaker's Chaplain also dropped in at various points. Each MP had a 'guide', a member of House staff who accompanied them around the area to meet all teams and feedback to the central team anything they needed. Ongoing support was available from all teams for the remainder of the winding-up period.

The support for departing members following the 2024 election differed from earlier elections in the following ways:

- The winding-up period was four months instead of two;
- There was a career transition service paid for by the House for MPs who lost their seats (but not who stood down). MPs had to sign-up within the winding-up period for a 6-month programme that included 121 coaching. This was the first time a career transition service was offered to departing MPs following a general election;
- Access to the Individual Assistance Programme (MPs) and Employee Assistance Programme (their staff) was available for up to a year (providing, effectively, wellbeing support);
- The Parliamentary Health and Wellbeing team called all MPs who had lost their seats within the winding-up period for a wellbeing check;
- The Association of Former MPs ran a mentoring programme for all departing MPs.

Review of 2024 election

While the number of new MPs elected in 2024 surpassed what had been seen in recent elections, the arrangements were able to cope with these because of a wide range of potential outcomes that had informing the Group's election planning approach.

The speed at which the House returns after an election creates specific challenges for MPs recently elected. While it is not possible to change this, ways of spreading out the induction arrangements will be considered for subsequent elections.

The 2024 election also highlighted the potential need for more tailored support for independent MPs – six of whom were elected to this Parliament – from the outset, as they do not have existing party structures to support them.

A more detailed review of the election arrangements will take place as part of a planned inquiry by the House of Commons Administration Committee.

Group photo of the new MPs elected in 2024

REFLECT, CELEBRATE, IMAGINE: COMMEMORATING THE BICENTENARY OF THE NEW SOUTH WALES LEGISLATIVE COUNCIL

HON BEN FRANKLIN MLC
President of the Legislative Council of New South Wales[1]

Introduction

On 19 July 1823, an Act passed by the UK Parliament "to provide for the better administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof and for other purposes relating thereto," received Royal Assent. The Act provided for the establishment of two significant New South Wales institutions: the Supreme Court and the Legislative Council. In accordance with the provisions of the act, on 19 January 1824 King George IV by Warrant constituted the first Legislative Council and appointed the first five members to serve in the Council. They were:

- Principal Surgeon James Bowman;
- Chief Justice Francis Forbes;
- Colonial Secretary Frederick Goulburn;
- Surveyor General John Oxley; and
- Lieutenant Governor William Stewart.

These five men, all holders of key public offices in the Colony, were to be consulted by the Governor before new laws were made; however, they could not initiate or veto legislation.

From these modest beginnings, the Parliament of New South Wales has evolved into one of the most innovative, robust and mature parliaments in the Commonwealth. It is the oldest parliament in Australia, the second oldest parliament in the Commonwealth still meeting in the same location and a world leader in the means by which it holds the executive government to account. In the words of a familiar song, "From little things big things grow".

2024 marked the Council's 200th anniversary. My predecessor as President of the Legislative Council, Matthew Mason-Cox, and I had an over-riding vision for the commemoration. We did not want it to be a formulaic, unreflective, non-inclusive celebration of one version of the past; neither did we want it to be a denigration of a real story of democratic progress. So, the

[1] This article was first delivered as a paper at the 53rd Presiding Officers and Clerks' Conference in Adelaide in July 2024 and was also published in *Parliamentary Democracy at Work: Essays on the New South Wales Legislative Council* (2025, Eds. David Blunt and David Clune).

bicentenary of the Legislative Council has provided a valuable opportunity to reflect on the Parliament's origins, development and legacy; to celebrate the vibrant democratic institution that it has become (and thereby to celebrate parliamentary democracy more generally); and to imagine what the Parliament of the next 200 years might become. 'Reflect, celebrate, imagine' is the framework for commemorating the bicentenary.

Reflect

Of all the provisions of the New South Wales Act of 1823, only one, clause 24, deals with the Legislative Council. The overwhelming majority of the provisions are concerned with the Supreme Court and the legal system, with the Legislative Council looking almost like an afterthought.

Some questions immediately arise. Why was this fledgling legislative institution included in the bill at the last minute? What was it intended to achieve? What has been its legacy? And how did it evolve into the highly functioning bicameral New South Wales Parliament of today? These questions have all been the subject of careful reflection over the last two years.

Over two days in late 2022 a panel of leading colonial historians and others explored the theme: *The State of the Colony: People, Place and Politics in 1823*. This conference set the scene for the bicentenary by considering the context for the establishment of the Legislative Council some 35 years after European settlement in Sydney. The experience of Sydney's First Nations coastal people with the colonists and later with sympathetic politicians was explored. A panel of historians discussed the Bigge inquiry, which was a comprehensive audit of the colonial administration under Governor Lachlan Macquarie, which effectively and unfairly "did a job" on the former Governor's grand vision for the Colony and called for change. In other sessions, historians sought to paint a picture of the reality of life in the early Colony, covering such themes as suicide and sexual violence. The contributions of significant female figures were also highlighted.

In late 2023, the second of our history conferences took a deep dive into the New South Wales Act of 1823. Again, a distinguished group of experts participated in a wide-ranging discussion which included the international trading context and connections between reform to public administration in New South Wales and in other parts of the British Empire. The tortuous passage of the New South Wales Bill through the House of Commons and House of Lords was described and the provisions of the Act analysed.

The significance of the Act for the Supreme Court and the legal system in the colony was also highlighted – this second conference being held in conjunction with the Supreme Court with a standout session being hosted by the Chief Justice and two former justices of the Court. The role of specific individuals,

notably the architect of the Act and future Chief Justice, Francis Forbes, in the provisions for a Legislative Council was acknowledged, and historians, MPs and others explored the purpose and early work of the Council and the context in which it operated.

What became evident from both conferences was that the establishment of the Legislative Council was not primarily designed to be a significant check on the previously untrammelled power of the Governor. Rather it was a means of ensuring the validity of law-making undertaken by the Governor and of the laws of the Colony. Against the backdrop of momentous global events, including the revolutions which had occurred in France and America, the establishment of the Council was a cautious and conservative reform. It would be another 19 years before the first elections in New South Wales and another 13 years again before the establishment of responsible government in the Colony in 1856. When did the Council become a truly democratic institution? That question depends on the definition employed and remains to be definitively answered. Some would argue it was not until 1978, when direct election by a system of proportional representation was established.

Both history conferences provided an opportunity for serious reflection and new scholarship on these subjects. To ensure that the insights gained and shared through the conferences were made as widely available as possible, transcripts of the conferences were produced by *Hansard* and have been edited by former Parliamentary Historian, Dr David Clune OAM, and published as:

- *The State of the Colony: People, Place and Politics in 1823*; and
- *The Spark: The Act that brought Parliament and the Supreme Court to New South Wales*.[2]

The final event in the bicentenary program was our third history conference in December 2024, which provided a final opportunity for reflection on the significance of the bicentenary, the broad sweep of the development of parliamentary democracy in New South Wales, and imagining the future of democracy in our State.

Engaging with First Nations Peoples

The Parliament of New South Wales has a complex history with the State's First Nations peoples. Some of the decisions of the Parliament, such as the enactment of the Aborigines Protection Act 1909, amendments to that Act over the years and its maintenance in place until the early 1970s, have

[2] These volumes form parts 3 and 4 of a booklet series that to date has also captured the first bicentenary exhibition, "Unlocking the House" (volume 1, and discussed below) and the transcripts of the *Immortals* video series, which tells the stories of the figures depicted in the marble busts which line the Legislative Council walls (volume 2).

had a profound, disturbing and ongoing impact on First Nations peoples. Notwithstanding significant positive reforms in more recent years, such as the Aboriginal Land Rights Act 1983, the election of the first Aboriginal MP in 2003 and the Aboriginal Languages Act 2017, the Parliament's legacy in relation to the State's Aboriginal peoples remains vexed.

We have therefore made a sincere and concerted effort to engage with First Nations people and to ensure their voices are heard during the course of the bicentenary. Former President Mason-Cox consulted with representatives of the Sydney Metropolitan Local Aboriginal Land Council, the La Perouse Local Aboriginal Land Council, the NSW Aboriginal Land Council and the NSW Council of Aboriginal Regional Alliances in formulating the initial bicentenary program. That consultation has continued.

One particularly exciting and tangible outcome of this consultation has been the commissioning of a new, significant Aboriginal Artwork, now prominently displayed in the Parliament's 'Fountain Court' public foyer. Aboriginal artist Kim Healey, a proud Gumbaynggrirr and Bundjalung woman, completed the work, entitled *Ngurra Jagun*. It will inspire deep reflection on our past, present and future, and on the deep connection of our State's First Nations people with the land and waters on which we live and on which the Parliament meets.

The commissioning process for this artwork also identified other Aboriginal artists who have since exhibited in the Parliament's popular exhibition spaces, the Fountain Court and the Reconciliation Wall. These include Gamilarray artist Juanita McLachlan's installations and works *Standing At The Heart of Seven Generations* and Gadigal artist Kate Constantine's exhibition *Yagu, Gadigal dulumi, Gadi yuwing ngubadi* (translation: Today, the Gadigal give you for no expected return, Gadi truth and love).

Another area of significant reflection together with First Nations peoples relates to the other things occurring in the Colony at the very time the Legislative Council was established. On 14 August 1824, 11 days before the first meeting of the Council, Governor Brisbane declared martial law west of the Blue Mountains. Whilst the early expansion of the colony into the central west between 1815 and 1822 saw largely peaceful relations between the colonists and the Wiradjuri people, the rapid growth in the population of both sheep and settlers in 1822 and 1823 led the Wiradjuri to declare war on the settlers. In response to the loss of lives and livestock, and the serious threat to the ongoing viability of the settlement of Bathurst, martial law was declared. Following a bloody campaign, in December Wiradjuri leader Windradyne came down to Parramatta with 100 warriors to acknowledge defeat. This period is known in Wiradjuri as the *Gudyarra*. These matters were the subject of two motions debated and agreed to concurrently in the Legislative Council in March 2024. The motions called attention to the link between the expansion

of the settlement and the establishment of the Council, and the proximity of the declaration of martial law to the first meeting of the Council. Consequently, the members who had moved the motions, the Clerk, other senior parliamentary staff and I met in May 2024 with a group of Wiradjuri Elders in Bathurst to learn more and we held a bicentenary seminar on the *Gudyarra* at Parliament House in September. The Elders have described this seminar as an important example of "truth telling."

Seminar series

This seminar on the *Gudyarra* is one of several bicentenary seminars held during 2024. These seminars highlighted diversity and representation across the Legislative Council's history and provide a platform for important (and sometimes sobering) conversations that until now have not occupied a prominent place in the Parliament's telling of its history and development. The first seminar featured four current and two former members and took a whistle-stop tour through the Council's recent history and operations, featuring perspectives from both major party and cross bench representatives. Other seminars focused on LGBTQIA+ representation, social change and law reform (in collaboration with representatives of the Supreme Court), and the engagement of the Council with culturally and linguistically diverse communities.

These seminars have been an effective mechanism for attracting new audiences and for providing members of the public with a behind-the-scenes insight into the often surprising ways that the Council's diverse membership works together across political, social and other divides to achieve impactful and meaningful social and legal change. The transcripts of these seminars have been published online to provide a lasting scholarly legacy charting the Council's evolution and key reforms.[3]

Parliamentary democracy at work

To aid in the process of reflection on recent procedural developments in the Legislative Council and to leave a lasting legacy of scholarly reflection, the Council published a book in January 2025, *Parliamentary Democracy at Work: Essays on the Legislative Council of NSW* co-edited by the Clerk, David Blunt AM, and former Parliamentary Historian, Dr David Clune OAM. It contains 41 essays, most of which originated as conference papers delivered at Presiding Officers and Clerks Conferences, Australasian Study of Parliament Group

[3] https://www.parliament.nsw.gov.au/visit/events/Pages/Bicentenary-Seminar-Series.aspx#:~:text=Held%20throughout%202024%20to%20mark,its%20representation%20of%20diverse%20NSW

conferences, or legal seminars, or published in scholarly journals. The subjects dealt with include: the history of the Legislative Council; unusual sittings and events; the transparency agenda; a robust committee system; parliamentary privilege; and a clerk's eye view of proceedings. With two earlier works – Stephen Frappell and David Blunt, *New South Wales Legislative Council Practice* (Federation Press, 2nd ed, 2021) and Susan Want and Jenelle Moore, edited by David Blunt, *Annotated Standing Orders of the New South Wales Legislative Council* (Federation Press, 2018) – this book completes a comprehensive trilogy on all aspects of the Council.

Online resources

A key aim of the bicentenary has been to produce content which will provide lasting and, most importantly, accessible educational resources for a broad audience into the future. To date, an interactive timeline has been made available on the Parliament's website, and short videos have been produced explaining the history of the Legislative Council (in just six minutes) and the first five members of the Council. Further videos explaining topics such as the operations of the House, office holders, procedure and protocol have been produced and made available.[4]

Celebrate

Notwithstanding the complexities of our colonial past and the positive and negative legacy of our history, the vibrancy of parliamentary democracy in New South Wales is worth celebrating. The peaceful transition of power after elections, growing community engagement with parliamentary proceedings, and the robust and unique mechanisms developed to hold the executive government to account are all significant achievements.

The actual bicentenary of the first meeting of the Legislative Council, Sunday 25 August 2024, was celebrated as Open House. Current members of both Houses and current staff from the three parliamentary departments were encouraged to bring in their family and friends to show off their place of work, and former members and staff were also be invited. The message for the community was that the parliamentary precincts are fully open again after an extensive program of heritage restoration work. Over 3000 members of the public enjoyed a day with re-enactments, musical performances, public speaking competitions, children's activities, film screenings and great food. A fitting celebration of parliamentary democracy!

The Parliament's Fountain Court and Reconciliation Wall exhibition spaces

[4] https://www.parliament.nsw.gov.au/about/Pages/Bicentenary-of-the-Legislative-Council.aspx

have been, and will be again, brought to life with stories that capturing key milestones, galvanising figures, special anecdotes and curiosities from across the Legislative Council's 200 years. In 2022, the Council unveiled its first exhibition, Unlocking the House, presenting 10 unique stories which unlocked parliamentary practice, tradition, representation and social change from the early colonial days to the present. In 2024, the Council unveiled its second exhibition which focused on five key themes: the evolution of the Council; protocol and pageantry; powers and privileges; representation; and Aboriginal representation and engagement. These themes were brought to life with stories, anecdotes, archival images and items drawn from the Parliament's collection and those of neighbouring institutions.

Imagine

What better way to think about the future of democracy than engaging with young people from around the State? Between April and August 2024, the Council held six regional roadshows. Each roadshow took the Legislative Council to a different part of the State: Lismore, Port Macquarie, Bathurst, Batemans Bay, Armidale and Wagga Wagga. Youth were at the centre of each roadshow with day one commencing with a public speaking competition involving senior students from local high schools and colleges across the entire region. The standard of competition was very strong, with winners from each roadshow chosen to participate in the finals to be held in the Legislative Council chamber during Open House on 25 August.

On the evening of day one, there was a youth forum involving young leaders from local schools. Between 30 and 40 students participated in each of these events, which were jointly chaired by the President and the local MP. Once again, the students were most impressive, with wide ranging discussion from current issues of particular concern in each regional area, such as how to best engage young people with politics and public service, to the qualities that young people want to see in future political leaders. Day two was more nuanced, depending on local factors, and included: workshops in schools with legal studies students, community forums and a half-day version of the Council's "LC in Practice" seminar for locally based public servants.

67th Commonwealth Parliamentary Conference

The New South Wales Branch of the Commonwealth Parliamentary Association (CPA) had the distinct honour of hosting the 67th Commonwealth Parliamentary Conference and CPA General Assembly in November 2024. The conference took place from 3-8 November and brought together 700 parliamentarians, Clerks and observers from across the 180 member

parliaments in 56 Commonwealth countries. The theme of the conference, *Engage Empower, Sustain: Charting the course of resilient democracy*, provided an opportunity not only to showcase and celebrate the vibrancy of parliamentary democracy in New South Wales but also to imagine the future of democracy and how to ensure its resilience in the face of current and future threats.

Preparing for the Future – Preserving Australia's Oldest Public Building

The Parliament of New South Wales has met continuously at its current location in Macquarie Street, Sydney, since 1828. In the years since, the parliamentary precinct has undergone many changes, including the addition of first one and then a second chamber, and a library, through to the major redevelopment of the precinct and the adding of the tower block containing members' offices in the late 1970s and early 1980s redevelopment. Since then, however, heritage restoration work had been piecemeal and occasional due to the constraints of limited funding. Former President Mason-Cox was determined that the bicentenary of the Legislative Council be leveraged to obtain funding to provide for a once in a generation heritage restoration program to be undertaken.

Some $20 million in capital funding was secured from the New South Wales Government. The resulting works have included painstaking restoration of the parliamentary chambers, and the original 'Rum Hospital' part of the building, as well as restoration and updating of the colour scheme of the Macquarie Street façade. All works have been completed on time and on budget to an exceptionally high standard. The Department of Parliamentary Services won a National Trust 2024 heritage award for the internal chamber works and came a very close second for external projects for the works on the Macquarie Street facades. We are all immensely proud of the work undertaken and feel pleased that we have appropriately discharged our obligations as custodians for a time of these significant heritage items.

Royal visit

On 20 October 2024 His Majesty King Charles III visited the New South Wales Parliament to commemorate the bicentenary of the Legislative Council. His Majesty presented the Legislative Council with a new hourglass for timing divisions. His Majesty also addressed members and distinguished guests, commenting on "the promise and power of representative democracy", the evolution of democratic systems, and the capacity of democracy for "innovation, compromise and adaptability, as well as stability". Fifty years before, in 1974, the then Prince of Wales had addressed a joint meeting of members of the two

Houses to mark the sesquicentenary of the Legislative Council.[5]

Conclusion

This is a time when the value of parliamentary democracy is being widely questioned and challenged. I hope that the celebratory but also reflective nature of the Legislative Council's bicentenary program will reach out and reinvigorate respect for the positive story of the growth and ongoing value of the Parliament of New South Wales.

[5] https://www.parliament.nsw.gov.au/about/Pages/Royal-Visit-by-King-Charles-III.aspx#:~:text=His%20Majesty%20King%20Charles%20III,the%20Legislative%20Council

THE UK PARLIAMENT AND PUBLIC ADMINISTRATION: IS PARLIAMENT UNIQUE?

JAMES WHITTLE
Chief of Staff, House of Lords

Introduction

This article is concerned with the management and administration of the UK Parliament. This is carried out by officials employed by each House and members appointed to certain positions within the governance processes. It is not concerned with the effectiveness of parliamentarians in fulfilling their parliamentary duties and responsibilities.

The latter is the most usual focus of the study of the UK Parliament—how parliamentarians provide their public service of scrutiny and challenge to government. As Petit & Yong note, the study of the non-political side of Parliament is not "usually a subject of thrills".[1] However, the effective and efficient administration of the services and resources that support parliamentarians is vital to enabling them to carry out their constitutional roles.

The management and administration of Parliament is something that has been a perennial issue within Parliament. Over the years, there has been management review after management review in each House, often in the aftermath of some concatenation of circumstances leading to the conclusion that *something must be done*.[2] However, there is relatively little academic study of the administration and management of Parliament, certainly compared to the swathes of public administration work focussing on the rest of the public sector.

This combination of a desire for reform but without a well-researched understanding of how Parliament functions from a public administration perspective risks leading to failure of administrative reform and a frustration with such failure. This can be seen Lord Morse's 2022 review of the Commons' financial management which recognised that it was building on the recommendations of previous reviews and expressed a sense of frustration

[1] Yong, B., & Petit, S., 'The administrative organization and governance of Parliament' in C. Leston-Bandeira, & L. Thompson (Eds.), *Exploring Parliament*, Oxford University Press (2018), p.24

[2] For a summary of the history of administrative reforms in both Houses see Barrett, V.M., *Parliamentary Administration: What does it mean to manage a parliament effectively?* (2019 PhD), pp.64-70): https://openresearch-repository.anu.edu.au/items/df9340a4-ef1b-4e5c-8862-8c04d8d55ef5

that the thrust of previous work had not been delivered.[3] Similarly, an earlier external management review of the House of Lords by Keith Leslie reflected a sense of frustration about a lack of change.[4]

With reviews claiming that parts of Parliament are 10–15 years behind the rest of the public sector in its management practices[5] and a track record of Parliament not fully implementing reforms deemed necessary, it may be worth asking whether the right recommendations are being made; whether management and administrative reforms applied elsewhere in the public sector are really transferable to Parliament – in other words, is the administration and management of Parliament simply unique compared to elsewhere in the public sector?

If Parliament is administratively unique, it is important to recognise this. Without such recognition, it is likely that attempts to improve its administration and management will learn the wrong lessons from experience elsewhere and apply the wrong approaches.

Why does it matter?

Misdiagnosing the problems of Parliament and applying the wrong remedies matters.

Firstly, there is a frustration that arises when management recommendations are made but not implemented successfully. This frustration may undermine the confidence in those parliamentary officials who have dedicated their careers to serving Parliament. Barrett argues that "[s]uccessive internal and external reviews over decades have done little to belie the impression that parliamentary management has been internally focused and insular, concerned with preserving the status quo, self-serving and resisting the changes confronting all public institutions".[6] Such a view of the effectiveness and professionalism of the Houses' administrations cannot be good for their credibility or the morale of staff, with a concomitant impact on the effective administration of Parliament.

Secondly, the failure to deliver proactive, coherent and long-term reform of the management of Parliament has left it open instead to reform by crisis.[7] This approach is likely to undermine planning for and the effective administration of long-term issues. An inability to handle long-term issues is simply not

[3] House of Commons Service, *Independent review of financial management in the House of Commons* (2022), p.19 & p.20

[4] House of Lords Commission, *External Management Review* (2021), p.17

[5] *Ibid*, p.16

[6] Barrett, V.M., *Parliament: a question of management*, ANU Press (2022), p.8

[7] Yong, B., & Petit, S., 'The administrative organization and governance of Parliament' in C. Leston-Bandeira, & L. Thompson (Eds.), *Exploring Parliament*, Oxford University Press (2018)

sustainable for Parliament, as the experiences of previous major programmes in Parliament and the ongoing governance challenge of how to restore the Palace of Westminster demonstrate.[8]

Failure to recognise the ways in which Parliament may be unique therefore risks failure to provide the public service Parliament is there for. And these are not abstract considerations. As Lord Morse notes:

> "As the core institution of our democracy, Parliament matters. The way it is managed has important consequences, because how support services for Members are delivered and governed has consequences for the success of their core democratic responsibilities".[9]

Is Parliament unique?

Broadly speaking, there are two schools of thought about Parliament, the extent to which it is unique compared to other bodies, and whether its administration and management must also be considered unique.

At one end of the spectrum is the view that Parliament is entirely incomparable with any other organisation. Marsden exemplifies this view:

> "Service in the House is a way of life. Unlike other professions, it cannot be taught—it is only by living and working in the very special atmosphere that exists uniquely within the walls of Westminster that one begins, after a few years' experience, to absorb that intangible "something" that makes the place what it is, and then to act and react in the way it demands."[10]

The other end of the spectrum essentially minimises any differences and argues that the "differences could be overplayed, that parliaments like to think they are unique when they have more in common with other organisations. Differences can be perceived as a protection and independence can be taken advantage of".[11] Management reviews of the Houses have tended to work on the assumption that Parliament lies closer to the similar-to-other-organisations end of the spectrum. For example, Leslie notes in his review that the recommendations were "all well-proven across the UK public sector and

[8] See Meakin, A., 'Restoration and Renewal of the Palace of Westminster: A Parliamentary Governance Challenge', in Horne, A et al (Eds.), *Parliament and the Law*, 3rd ed. (2022)

[9] House of Commons Service, *Independent review of financial management in the House of Commons* (2022), p.17

[10] Marsden, P., *The Officers of the Commons, 1363-1978*. H.M. Stationery Office (1979), p.16

[11] Barrett, V., 'The dilemmas of managing parliament: Promoting awareness of public management theories to parliamentary administrators' in T. Mercer, R. Ayres, B. Head, & J. Wanna (Eds.), *Learning Policy, Doing Policy: Interactions Between Public Policy Theory, Practice and Teaching*, ANU Press (2021), p.223: https://library.oapen.org/bitstream/handle/20.500.12657/48450/9781760464219.pdf?sequence=1#page=152

implementation should be straightforward".[12]

Differences that drive administrative behaviour

There are various differences one could point to between Parliament and the rest of the public sector that create unique circumstances. Here I will briefly consider two that superficially look as if they may mark Parliament as being substantively different but which I consider ultimately to be superficial only in terms of public administrative behaviours. I will also suggest that two others – funding and accountabilities – are significant and make the administration and management of Parliament markedly different to other public services.

Purpose

The purpose of Parliament is different to other bodies in the public sector. Other public bodies – government departments, executive agencies, local councils, health and social care services, the emergency services, the armed forces – are all involved in devising or delivering government policy or have their actions prescribed and bounded by government policy. Parliament's focus is quite different – it is concerned with the scrutiny of the executive, the airing and deliberation of issues and conflicts, and the legitimation of government (and, by extension, other public bodies).

However, for all this difference in purpose, Parliament is also a public body like any other. It provides a public good on the behalf of the nation that could not be provided in the public sector. Antonsen & Jørgensen consider the publicness of an organisation with reference to the public service they provide, whether they are the authoritative body for that service, and whether the service is provided disinterestedly.[13] Against these measures, Parliament is a highly public organisation like many others in the sector.

Regardless of its precise function. This element of publicness is an influence on management and administration common to Parliament and the rest of the public sector.

Legal position

Similarly, one could point to Parliament's peculiar legal position. Parliamentary privilege sets Parliament apart from the rest of the public sector. Its relationship with the judiciary is capable of being completely different to that experienced by other public bodies. While privilege relates only to the "proceedings" of the Houses, it is not inevitably clear how far privilege extends into administrative

[12] House of Lords Commission, *External Management Review* (2021), p.6

[13] Antonsen, M., & Jørgensen, T. B., 'The 'Publicness' of Public Organizations' in *Public Administration*, 75(2), 1997, p.340: https://doi.org/10.1111/1467-9299.00064

and management matters (as the points of law examined during *R v Chaytor and others (Appellants)*[14] demonstrated and as the 2013 Joint Committee on Parliamentary Privilege noted when it came to the application of statute to Parliament[15]). Both Houses act as if it were clear that all the laws that apply to other public bodies apply to them. There are specific examples where Parliament's difference is clear, but these tend to be explicit in law: the Freedom of Information Act 2000, for example, makes specific exemptions to protect parliamentary privilege.

So, while uncertainty exists about how the law would apply to administrative or managerial actions, in the majority of cases Parliament acts as if the law would apply as it would to any other public body. This means that the difference in Parliament's legal position compared to other public bodies does not end up being a driver of different behaviours or considerations.

Funding

There are many features of Parliament's funding that are superficially similar to the rest of the public sector—each House's funding is set out in Estimates submitted to the Treasury; each House has an accounting officer like any other public body; those accounting officers are held to account by the House of Commons Public Accounts Committee. However, the nature of Parliament's funding is fundamentally different to that of any public body because it is ultimately Parliament that authorises the budgets of the public sector. This is one of the fundamental constitutional roles of any parliament.

The effect of this constitutional position is that there is an absence of government pressure on parliamentary budgets. This is not to say that there has been no pressure on Parliament regarding its budgets. For example, while other public sector bodies were subject to austerity measures following the 2008 financial crash, both Houses also sought to impose their own spending restraints. The House of Lords set itself the following savings target for the period 2011–15:

> "We will aim not to increase our resource costs in real terms throughout the period of the plan, despite the increased size of the House, and will reduce them where possible by reviewing what we do and how we do it."[16]

The House of Commons similarly imposed a savings plan on itself, committing that: "the overall costs of the House Administration should reduce

[14] [2010] UKSC 52

[15] Joint Committee on Parliamentary Privilege, *Parliamentary Privilege* (Report of Session 2013–14, HL Paper 30, HC 100), pp.54-57

[16] House of Lords, *Business Plan 2011/12* (2011), p.6

by 9% over the three years from 2010/11 to 2012/13".[17]

However, these targets can be compared to the requirements placed on other public bodies over which the Treasury had more direct influence. Government-imposed budget reductions that applied to government departments in the 2010 Spending Review (the same period in which the two Houses set the above targets) averaged at 19% over four years (excluding health and overseas aid spending).[18] Central government grants to local authorities in England were cut by 37% between 2009/10 and 2019/20.[19] The moves to reduced budgets and spending in other public bodies have clearly had a more real impact elsewhere in the public sector than in Parliament.

Delivering spending reductions and efficiency gains has been one of the core goals of public administration reforms over the last decades. It has driven moves to outsourcing, performance-related pay, public-private partnerships and so forth. This lack of equivalent financial pressure on Parliament therefore creates a very different environment for public administration thinking to be applied. This absence of pressure comparable to the rest of the public sector may drive behaviours from both officials and members, particularly when considered against issues of accountability and influence.

Accountability

Accountability is a key concept in public administration. Accountability can be described in terms of a forum in which an actor gives account of their actions and faces the judgement of the forum.[20] This model is essentially based on a principal-agent concept in which it is clear who the agent/actor and forum/principal are and the extent to which the legitimacy of their roles are clear.[21] This model of accountability is inevitably a simplified description of real life. Questions of clarity have been at the heart of discussions of accountability in public administration: whether the strict separation of the roles of principals and agents, politicians and officials, can be maintained.[22] It has long been argued that the conditions of public administration are too diffuse for such clarity. For example, Long argued that political systems were unable to give

[17] House of Commons, *Corporate Business Plan 2010/11* (2010), p.14

[18] HM Treasury, *Spending Review 2010*, p.5

[19] Atkins, G. and Hoddinott, S., *Local Government Funding in England*, Institute for Government (2020)

[20] Bovens, M., 'Public Accountability' in E. Ferlie, L. E. Lynn, & C. Pollitt (Eds.), *The Oxford handbook of public management*, Oxford University Press (2007), pp.184-185: https://doi.org/10.1093/oxfordhb/9780199226443.001.0001

[21] Flynn, N & Asquer, A, *Public Sector Management* (2017), p.111

[22] Hughes, O. E., *Public management and administration: an introduction*, Macmillan Education: Palgrave (2018, Fifth ed.), p.163

clear direction and that public administrators therefore had to determine their own courses of action within the political context.[23] As such public managers had to be "bureaucratic politicians"[24] rather than neutral administrators.

However, despite these issues, accountability in most public bodies is at least theoretically clear. There is a chain of delegation and of accountability from voters, to legislature, to executive, to officials.[25] In this model of parliamentary democracy, as Hughes says, "[e]very act of every public servant is therefore an act of the minister".[26] This is the concept that underpins the UK Ministerial Code.[27]

This clear chain of delegation is absent in Parliament, making accountability even less clear and more diffuse than elsewhere in the public sector. There are well-defined roles with *de facto* accountabilities—the Clerks of the two House are accounting officers and corporate officers. There are also bodies that have responsibilities assigned to them either by statute or by agreement of the Houses, such as the Commissions of the two Houses and various other domestic committees.

However, these arrangements operate within a highly political environment. The House of Lords Commission's governance framework recognises this environment by noting three forms of accountability:

> "legal accountability (where the accountable person/body is answerable by statute),
>
> - managerial accountability (where the accountable person/body is answerable within established structures of management), and
> - political accountability (where the accountable person/body is answerable to the House or the public). Irrespective of the details below, the Lord Speaker, as presiding officer of the House, and the Clerk of the Parliaments, as Chief Executive Officer of the Administration, may ultimately be considered politically accountable to the public for all governance matters.
>
> Where the agreement of a committee or the Commission is required, those bodies assume some degree of political accountability. This does not affect legal or managerial accountability."[28]

[23] Long, N. E., 'Power and Administration', *Public Administration Review*, 9(4), 1949, 257-264. https://doi.org/10.2307/972337

[24] Hughes, O. E., *Public management and administration: an introduction*, Macmillan Education: Palgrave (2018, Fifth ed.), p.89

[25] Strøm, K., Müller, W. C., & Bergman, T., *Delegation and Accountability in Parliamentary Democracies*, Oxford University Press (2004), pp.19-21

[26] Hughes, O. E., *Public management and administration: an introduction*, Macmillan Education: Palgrave (2018, Fifth ed.), p.162

[27] Cabinet Office, *Ministerial Code* (2024)

[28] House of Lords Commission, *House of Lords Governance Framework* (2024)

This recognition of the political aspect of accountability in Parliament is related to the nature of Parliament. Parliament is a forum for holding others to account, in which every member potentially has a role in exercising such accountability. It is axiomatic to a parliament that "[e]very member of a legislature is … constitutionally equal in status to every other member".[29] So, as Wright noted, there is no concept of Parliament an organisation in "a collective sense";[30] parliaments are a "they", not an "it".[31]

So, while there are structures, people and offices that have roles and remits, Parliament remains an "organization of several hundred members that [have] no boss"[32] and every member can seek to hold the administration and management of Parliament accountable, either through the agreed governance structures or through any other parliamentary means available to them.

William Hague (the then Leader of the House of Commons) summed up this difference between Parliament and other public bodies neatly in his evidence to the House of Commons Governance Committee arguing that "there should not be any one figure in charge [*of Parliament*] in the same way there is a Secretary of State who has to be in charge and is accountable to Parliament for being in charge of his or her Department. It is different from a government department in that respect."[33]

Impact of unclear accountabilities

This pluralist and political nature of Parliament affects its administration. Petit & Yong[34] highlight the combination of the political, scrutinising and diffuse nature of power in Parliament arguing that it means questions of administration are often hard to separate from other political considerations and "impartial

[29] Loewenberg, G., *On Legislatures: The Puzzle of Representation*. Taylor & Francis Group (2010), p.49; Petit, S., & Yong, B., 'The Adminstrative Organization and Governance of Parliament' in C. Leston-Bandeira & L. Thompson (Eds.), *Exploring parliament*, Oxford University Press (2018), p.24

[30] Wright, T., 'Prospects for Parliamentary Reform' in *Parliamentary Affairs*, 57(4), 2004, p.871: https://doi.org/10.1093/pa/gsh067

[31] Shepsle, K. A., 'Congress is a "They," not an "It": Legislative intent as oxymoron', *International Review of Law and Economics*, 12(2), 1992, 239-256: https://doi.org/10.1016/0144-8188(92)90043-Q

[32] Loewenberg, G., *On Legislatures: The Puzzle of Representation*. Taylor & Francis Group (2010), p.1

[33] Quoted in House of Commons Governance Committee, *House of Commons Governance* (Session 2014–15, HC 692), p.16

[34] Petit, S., & Yong, B., 'The Adminstrative Organization and Governance of Parliament' in C. Leston-Bandeira & L. Thompson (Eds.), *Exploring parliament*, Oxford University Press (2018), p.24

management initiatives can quickly assume unintended political significance".[35]

This lack of authorising clarity and the risk of unintended political significance means that matters of governance in Parliament have tended to be slow moving and cautious until some shock or crisis forces Parliament to act. The expenses scandal of 2009 led to the creation of the Independent Parliamentary Standards Authority; the negative coverage following the recruitment process a new Clerk of the House in the Commons in 2014 led to the review of the Commons' governance structures and the creation of a new Director General post; allegations of bullying, harassment and sexual misconduct in 2017 led to a series of external reviews of culture in both Houses and the creation of the Independent Complaints and Grievance Scheme to address such allegations; and the COVID pandemic resulting in extensive changes in ways of working, including remote participation. Each of these crises created coalitions of political authority and a clearer authorising environment in which substantial administrative action could be taken. Absent such moments of clarity, the administration of Parliament becomes much harder and more confused.

The highly political context in which accountabilities are exercised is recognised in some of the reviews of the Houses. For example, the House of Lords' *External Management Review* offered some criticism of the ability of the House of Lords Commission to provide consistent strategic oversight and direction (as per its terms of reference) given its membership of "political leaders, doubtless highly motivated and skilled in political matters, but neither especially interested in issues of management nor necessarily experienced in managing or directing organisations".[36] More recently, the Morse Review into financial management in the House of Commons was more explicit in highlighting the issues of "politically-induced volatility" affecting effective administration and, in turn, making the adherence to frameworks of accountability difficult.[37] In its scrutiny of the changes in 2022 to the governance structure for the Restoration and Renewal of Parliament programme, the House of Commons Public Accounts Committee put its finger on the implications for this context noting that "[t]here is currently no formal process in place should the Clerks be requested to do something they felt did not align with their respective responsibilities … There is no procedure akin to the Ministerial Direction the Clerks could

[35] Braithwaite Review of the Commons quoted in Yong, B., 'The Governance of Parliament' in A. Horne & G. Drewry (Eds.), *Parliament and the Law*, Bloomsbury Publishing Plc. (2018), p.90

[36] House of Lords Commission, *External Management Review* (2022), p.37

[37] House of Commons Service, *Independent review of financial management in the House of Commons* (2022), p.18 & p.34

apply".[38] In other words, whereas other public bodies can ultimately resolve conflicts of accountability and responsibility, Parliament cannot. The officials of the Houses are accountable for the services they deliver, cannot delegate that accountability to any other person or body but can only deliver within the boundaries set by a variety of political actors.

Conclusion

Even accepting that accountability in any public service is liable to diffusion, the endlessly shifting political context in which parliamentary administrators must act can override or obscure formal processes of accountability and thereby can affect every other aspect of administration. This diffusion and confusion of accountability is exacerbated by the financial position of Parliament. While other public bodies may be pushed and pulled by political imperatives, clear and hard financial limitations will restrict how far they may be pushed and pulled and will force compromises to be made. Without such strictly enforced financial limitations, parliamentary administrations can be pushed and pulled in many directions long before hard financial brakes need to be applied.

These two features—Parliament's financial position and the nature of accountability—do make parliamentary administration and management unique. Not so unique as to justify Marsden's rather vaulted description[39] but certainly unique enough (if something can be unique in degrees) to require more careful thought when considering management reform.

Without fully accounting for these powerful drivers of administrative and management behaviours, comparisons to other public sector bodies will be of limited use and applying practices advocated in the discourse of public administration based on research and observation in other public bodies may fail or have unintended consequences. In such circumstances, frustration with slow administrative reform is perhaps not reasonable.

This conclusion is not a counsel of despair, however. Parliament can, and probably should, reform its administration and management. And examples from elsewhere in the public sector may be instructive and learning from public administration discourse enlightening.

This is also not an argument that none of the reforms over the years have worked. The professionalisation of the management of the Houses over the years is clear. As Barrett notes, "Operational management skills, including in the fields of human resources and financial management, have been emphasised and designated 'professionals' in these fields have been recruited to both

[38] House of Commons Public Accounts Committee, *Restoration & Renewal of the Palace of Westminster – 2023 Recall* (Fifty-Second Report of Session 2022–23, HC 1021), p.18

[39] Marsden, P., *The Officers of the Commons, 1363-1978*. H.M. Stationery Office (1979), p.16

parliaments at the same time as longstanding parliamentary officials have been encouraged to forsake 'amateurish' approaches."[40]

The excuse of uniqueness must be resisted and challenged but not to the extent that Parliament is considered as just another public body. To reform and update how Parliament works – which, as noted near the beginning of this essay is crucial to supporting parliamentarians to fulfil their public duties – proper account needs to be taken of where Parliament genuinely is different.

[40] Barrett, V.M., *Parliament: a question of management*, ANU Press (2022), p.221

ARCHIBALD MILMAN AND THE BATTLES FOR PRECEDENCE, 1890–1902

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Introduction

On 9 February 1900, Archibald Milman, the newly-appointed Clerk of the UK House of Commons, wrote to Henry Campbell-Bannerman, the Leader of the Opposition, responding to a note of congratulation on Milman's appointment. Milman alluded to some of the challenges that had to be overcome prior to the decision to appoint him to the role:

> "There was an insidious ambush on my right flank, but with the Speaker's aid I more than maintained my ground."[2]

In referring to his right flank, Milman was alluding to attempts to make a political appointment to the role of Clerk. His use of this military metaphor was topical because he was writing during the early stages of the South African War, and soon after the failed British attempts to relieve Ladysmith at Spion Kop and Vaal Krantz. It was also characteristic, because metaphors relating to armed conflict had been a feature of Milman's writing about procedural and wider challenges in the House of Commons since the 1870s.[3]

Milman's personal battle for precedence in the administration of the House took place against the background of a wider conflict over precedence in the business of the House of Commons, over the balance of time between the Government of the day and backbenchers and over the methods by which that balance was determined. This article explores Milman's career leading up to his appointment as Clerk of the House, the problems over the distribution of time in the House and Milman's proposed solutions to those problems. It then looks at Milman's career as Clerk of the House and the continuing problems over the management of business in the House in 1900 and 1901. It considers the development of a Standing Order which embodied some of Milman's ideas

[1] The author is most grateful to Edward Chaplin CMG for access to and permission to cite the papers of his great grandfather, referred to hereafter as Milman MS, and to Peter Aschenbrenner, Dr Stephen Farrell and Dr Paul Seaward for comments on an earlier draft of this article.

[2] British Library (hereafter BL), Add MS 41235, fo 199, Milman to Campbell-Bannerman, 9 Feb. 1900

[3] C Lee, "Archibald Milman and the procedural response to obstruction", *The Table: The Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments* (hereafter *The Table*) Vol 83 (2015), pp.22–44 (hereafter "Procedural response"), pp.32, 33

and which allowed for a clearer allocation of time between the Government and backbenchers. Milman himself did not live to see this change implemented. He retired due to ill health in January 1902 and died the following month.

"Fills a much larger place": Milman as Clerk Assistant

Archibald Milman had joined the Clerk's Department in 1857. Although candidates for clerkships needed to pass an examination, a place on the list to sit the examination could only be secured through the exercise of the personal patronage of the Clerk of the House, then Sir Denis Le Marchant. Milman approached someone to get Le Marchant to place him on the list. Le Marchant replied that he thought an appointment as a clerk would be "beneath the attention of Mr Archibald Milman of whose intelligence I have before heard honourable mention", but readily agreed to place his name on the list.[4] After a career in junior roles up to 1871, Milman made the step to the role of Second Clerk Assistant. This post was filled on the recommendation of the Speaker, Evelyn Denison, who stated "I shall wish to select the best Man for the Post, and to reward Merit & good service as fairly as can be done".[5] His choice fell on Milman, and Denison successfully resisted suggestions from William Gladstone, the Prime Minister, that another candidate might be more suitable. Milman was clearly proud to be chosen, later stressing that the choice was "not at all taken by seniority".[6]

In rising to senior roles at the table on merit, Milman followed in the footsteps of Reginald Palgrave. Palgrave was five years older than Milman, and had joined the Clerk's Department three years earlier than him. Palgrave had been appointed as Second Clerk Assistant in 1868, and promoted to the role of Clerk Assistant in 1871 when Le Marchant retired and Thomas Erskine May became Clerk.[7] Palgrave and Milman served at the table alongside May until ill health forced May to retire in the spring of 1886. Palgrave's promotion to the role of Clerk was not taken for granted. Le Marchant had been an external political appointee to the role in 1850.[8] There were rumours in April 1886 that George Shaw-Lefevre, a former Liberal cabinet minister who had lost his seat at the 1885 General Election, might be considered for the post, and it was offered to two external candidates—the jurist Sir Henry Maine and the clerk of the Privy Council Charles Lennox Peel, who was also the then

[4] Milman MS, Hayter to Milman, [?] Jan 1857; "Procedural response"), p.23

[5] The Parliamentary Archives (hereafter TPA), ERM/3/67–68, Denison to May, 28 Nov. 1870

[6] "Procedural response", pp.23–25

[7] Oxford Dictionary of National Biography online (hereafter ODNB), Palgrave, Sir Reginald Francis Douce

[8] See p.108 below.

Speaker's first cousin—each of whom turned it down before Gladstone turned to Palgrave. When Palgrave accepted, Milman was then offered the vacant role of Clerk Assistant, seemingly without other candidates being considered. Press commentary suggested that Gladstone had "done the right thing" through these appointments, and been "wise in time" in not pursuing external candidates.[9]

Palgrave and Milman had already served together for 15 years at the table of the House when they took on the roles of Clerk and Clerk Assistant, and there is ample evidence of their close working relationship. They collaborated in providing advice to Lord Randolph Churchill, the leading Commons Minister in Salisbury's first administration and at the start of the second, on possible procedural reforms in 1885 and 1886. At this stage and thereafter, Palgrave was keen to credit Milman's distinct expertise and to involve him fully in all exchanges, perhaps in part as a reaction against May's reluctance to involve Palgrave or Milman.[10] Milman did not hesitate to express his own view, and to challenge Palgrave's positions. When Palgrave expressed doubts about Churchill's scheme for Grand Committees in 1886, Milman wrote to Churchill to state that "I do not share Mr Palgrave's misgivings as to the practicability of establishing such bodies".[11] Milman also distanced himself from Palgrave's scepticism about Churchill's plans for the closure rule.[12]

Differences between Palgrave and Milman were laid bare when they both gave evidence to a select committee in 1888 on reform of Supply procedure. Palgrave had made the case for reversing one of the main reforms introduced by Gladstone in 1882 at May's behest—restricting the possibility of debates on the Speaker leaving the Chair prior to the Committee of Supply—and Milman began his own oral evidence with a direct and sustained challenge to Palgrave's proposals and a defence of the 1882 reforms. On another aspect of Supply reform—whether formal decision-making on Supply should be delegated to a select committee—Palgrave took May's side in opposing the proposition, while Milman was its foremost advocate.[13]

Palgrave and Milman's differences, together with their willingness to share them, were even more fully on display in 1894 about succession to peerages

[9] ODNB, Palgrave; *Manchester Evening News*, 16 Apr. 1886, p.2; *North Star (Darlington)*, 26 Apr. 1886, p.3; *Hull Daily Mail*, 27 Apr. 1886, p.2; *Manchester Evening News*, 3 May 1886, p.2. All newspaper references are from the British Newspaper Archive unless other noted.

[10] C Lee, "Archibald Milman and the Evolution of the Closure—Part 3: 1885–1894" (hereafter "Part 3"), *The Table*, Vol 90 (2022), pp.8–55, at pp.14, 22–25

[11] Cambridge University Library (hereafter CUL), Add Ms 9248/17/2012, Milman to Churchill, 13 Nov. 1886

[12] "Part 3", p.5

[13] C Lee, "Archibald Milman and the failure of Supply reform, 1882–1888" (hereafter "Failure"), *The Table*, Vol 87 (2019), pp.7–34, at pp.20–23, 29–33

and membership of the House of Commons. This matter first arose when a peer, Lord Coleridge, whose eldest son, Bernard, was an MP, died in June 1894. Bernard wished to delay receiving his writ of summons to the House of Lords while he sought advice on whether he could continue as a practising barrister once he became a member of that House. Having himself sought this delay, he did not wish to create uncertainty about whether he was still a member of the Commons and he therefore sought and obtained the office of Steward of the Chiltern Hundreds—the established method by which a member seeking to cease to be a member obtained disqualification—to trigger the issue of a writ for a by-election without delay.[14] When questions were raised about the propriety of this course of proceeding, Milman wrote to Sir William Harcourt, who as Chancellor of the Exchequer had formal responsibility for the appointment to the Chiltern Hundreds, and as Leader of the House had to field such questions, with relevant precedents on 27 June and wrote the next day to assure Harcourt that it was quite proper to appoint someone to the Chiltern Hundreds "to prevent the constituency being deprived for weeks of a representative" during any delay to test a claim for a peerage prior to issuing a writ of summons to attend the House of Lords.[15]

On 28 June 1894, Joseph Chamberlain, the leader of the Liberal Unionists, the junior partner in the Unionist Opposition, then raised the issue as a matter of privilege, claiming that the reference to the Chiltern Hundreds as the basis for the writ implied that Coleridge was still being treated as a member of the House at that point, opening the way for the eldest sons of peers to remain as MPs after the death of their fathers by not asking for a writ of summons to attend the Lords. He suggested that this would "bring about enormous Constitutional changes".[16] Harcourt, armed with Milman's advice, confidently asserted the propriety of his course of proceeding, but also accepted Chamberlain's case for establishing a select committee to settle the law on the matter.[17]

That Committee had to consider whether a peerage itself was incompatible with membership of the House of Commons, or whether the incompatibility arose not from accession to a peerage but between service to the two Houses of Parliament, so that only the issue of a writ to attend the House of Lords excluded a peer from membership of the Commons, not the death of the peer to whom they were heir. In oral evidence, Palgrave maintained the service

[14] *Report from the Select Committee on House of Commons (Vacating of Seats)*, HC (1894) 278, Q 435

[15] Bodleian Library (hereafter Bodl Lib), Harcourt MS 193, fo 114, Harcourt to Milman, 27 June 1894; Bodl Lib, Harcourt MS 193, fos 112–113v, Milman to Harcourt, 28 June 1894

[16] HC Deb, 28 June 1894, cols 397–406

[17] HC Deb, 28 June 1894, cols 406–23; HC Deb, 6 July 1894, cols 1164–67

theory, namely that disability turned on incompatibility of service to both Houses, so that the writ of summons was the trigger for disqualification.[18] But he then tied himself in knots by contending that, while not disqualified, an MP who inherited a peerage should cease activities as a member upon the death of their father. Palgrave's oral evidence caused evident consternation to Herbert Asquith, the Home Secretary and Chair of the Committee, Chamberlain and the Leader of the Opposition, Arthur Balfour.[19]

In his oral evidence, Palgrave acknowledged that Milman was "an able and zealous defender of the ennoblement theory".[20] Milman submitted a detailed memorandum to the Committee which reflected his interest in historical research and his vigorous approach to winning an argument. In direct contradiction to Palgrave's position, Milman contended that "the true and notorious lineal heir of a Peerage is disqualified from sitting or voting in the House of Commons the moment his father dies". He cited instances dating back to the fourteenth century to support his contention that "The nobility and commonality constituted separate Orders in the State". To maintain, as Palgrave had done, that the writ of summons was the formal trigger for disqualification exhibited "a curious obtuseness to conceptions current for centuries and still recognised by law". The writ of summons simply served as the best evidential basis for inheritance to a peerage in any disputed case, and securing disqualification by appointment to the Chiltern Hundreds prior to the issue of a writ was wholly legitimate. His memorandum was later to be described as taking "a high place among the most valuable documents expository of constitutional practice".[21]

The Committee was not able to come to a substantive position before the end of the 1894 Session, and Milman submitted a further memorandum on the status of the hereditary peerage to strengthen his case in December 1894.[22] The Committee was reappointed at the start of the 1895 Session, but was slow to consider a report. Several MPs who were heirs to peerages, alerted to the issue by Chamberlain's original complaint,[23] saw in the service theory an opportunity to sustain their careers in the Commons after inheriting a peerage by forestalling the issue of a writ of summons to attend the House of Lords. Matters came to a head when Viscount Wolmer, a leading Liberal Unionist, became Earl of Selborne following his father's death, but claimed the right

[18] Q 296

[19] HC (1894) 278, QQ 296, 324–385

[20] HC (1894) 278, Q 302

[21] HC (1894) 278, pp.81–86; *Widnes Examiner*, 1 Apr. 1898, p.2

[22] HC (1894) 278, p.iii; First *Report from the Select Committee on House of Commons (Vacating of Seats)*, HC (1895–I) 272, pp.3–8

[23] HC Deb, 28 June 1894, cols 419–22

to continue to sit in the Commons, supported—somewhat ironically—by Chamberlain in his claim to do so.[24] The Committee then finally met to agree a Report with cross-party support, including from Balfour on behalf of the main Opposition party, which concluded that "the fact of succession to a Peerage of England, or of Great Britain, or of the United Kingdom, disables the person so succeeding from being elected to, or from sitting or voting in, the House of Commons". The writ of summons was no more than the most convenient method of gaining evidence of succession in cases of doubt. The conclusions matched and relied upon Milman's own.[25]

To some degree, the differences between Palgrave and Milman could be thought of in terms of politics. Palgrave was "personally a strong Conservative", and his preferred outlet for his ideology was historical writing, including sustained attacks on Whig historians and a deeply unsympathetic biography of Oliver Cromwell, who, in Palgrave's words, "cruelly deceived his subjects".[26] Milman was reported in 1893 as "strongly inclined to Liberalism", with the caveat that, "of course, his private opinions do not affect his official position".[27] An obituary in 1902 wrote:

> "The late Sir Archibald Milman was a cultured man of old Whig sympathies … Probably not a score of members of Parliament knew what his political opinions were."[28]

However, the differences in this regard between Palgrave and Milman were more a matter of temperament than politics. Palgrave was better able to distance himself from the political fray in the chamber. In 1890, he observed how his position placed him close to "the turbid stream of party strife", but

> "To keep clear of these muddy waves is the condition of my official life—a condition quite in accord with my natural inclination."[29]

Milman was less able to keep clear of such muddy waves. In April 1886, at the time of Erskine May's retirement, it was observed:

> "Even the Parnellites have never attacked Sir Erskine May. More than once they have aimed the shafts of their rhetoric at Mr. Milman, one of his

[24] HC Deb, 13 May 1895, cols 1058–73; *The Times*, 14 May 1895, p.5; HC Deb, 14 May 1895, cols 1174–1205; HC (1895–I) 272, pp.9–13. *The Times* has been accessed from the Times Digital Archive.

[25] HC (1895–I) 272, pp.iii–vi; *Report from the Committee of Privileges on Petition concerning Mr. Anthony Neil Wedgwood Benn*, HC (1960–61) 142, Q 350

[26] ODNB, Palgrave; R Palgrave, *Oliver Cromwell, the Protector: an Appreciation Based on Contemporary Evidence* (1890); *The Times*, 25 Oct. 1900, p.8

[27] *Sheffield Daily Telegraph*, 20 July 1893, p.5

[28] *Greenock Telegraph and Clyde Shipping Gazette*, 15 Feb. 1902, p.3

[29] R Palgrave, "The Recent Crisis in Congress", *The North American Review*, Vol 151, No. 406, Sep. 1890, pp.367–375, at p.367

assistants at the table, but they have always spared the Principal Clerk."[30]

The attacks on Milman from Parnellites in the first half of the 1880s were mainly about the editing of questions.[31] In subsequent years, it was noted that Milman's "stern editorial pen" had cut down many an Irish question, although others had also suffered.[32] Although the editing of questions by clerks was "a standing source of complaint and irritation" amongst members, Milman was seen as "the most ruthless of sub-editors" of questions among clerks at the table, "the martinet of the table, and the sworn foe of all adjectives, which he rules out with relentless vigour as unnecessary expressions of personal opinion". Palgrave, in contrast, was "very popular … in his … sub-editorial capacity", because he "rarely exercised his authority except in cases of unpardonable evasion of the proprieties". It was said that "acute Parliamentary hands" held over their questions until they saw Palgrave alone at the table:

> "Then they hand them in, return to their places, and smile with satisfaction as they see their manuscripts passed for the printer without alteration."[33]

When a retired naval officer and MP, Edward Field, was seen by Milman at a naval review on the bridge of a ship with many MPs and journalists aboard, Milman said "I want to come up there", but Field replied jokingly, "No, no, you cut down my questions, you bad man, and I shan't let you".[34]

But the contrast in manner and approach between Palgrave and Milman went well beyond questions. Milman seemed to view the constitutional future of Ireland as a matter beyond normal expectations of impartiality, and his private sympathy for the Unionist side of the argument became widely known.[35] Milman's mannerisms at the table help to explain some of the criticisms levelled at him, most notably over the advice he gave to the Chairman of Ways and Means during the Committee stage of the Government of Ireland Bill on 11 July 1893.[36] The Irish Nationalist MP T P O'Connor wrote many years later that this incident

> "and some other scenes not unlike it were due to some want of tact on the part of the clerk. Sir Archibald was a very agreeable and a very impartial man; but he had a certain restlessness that seemed to suggest that he was

[30] *Exeter and Plymouth Gazette*, 2 Apr. 1886, p.5

[31] C Lee, "Archibald Milman and the transformation of questions to ministers", *The Table* (2017), pp.7–30, at pp.11–17

[32] *Aberdeen Journal*, 13 July 1893, p.5

[33] *London Daily Chronicle*, 31 Jan. 1900, p.7; *Dublin Daily Nation*, 14 Feb. 1898, p.7

[34] *Pall Mall Gazette*, 28 June 1897, pp.1–2

[35] C Lee, "Archibald Milman and the 1893 Irish Home Rule Bill" (hereafter "Home Rule Bill"), *The Table* (2016), pp.28–63, at pp.29–31; *Hampshire Post and Southsea Observer*, 21 July 1893, p.9

[36] "Home Rule Bill", pp.49–56

anxious almost to intrude his counsel."[37]

Some Parnellite members felt that his facial reactions in the chamber betrayed an obvious sympathy for the Unionist cause, such that he was viewed by them as "a Machiavellian conspirator against their liberties".[38] Evidence of how such an impression came about was provided by a case in early August 1893 when Gladstone, the Chairman of Ways and Means and the Speaker were having a conversation arising from O'Connor's words in the chamber the previous week:

> "Mr. Milman, reluctant to miss a good story, knelt on the chair, and, making an ear trumpet with his hand, drank in the words of the Prime Minister. Questions were delayed until these four had enjoyed their laugh."[39]

The surviving papers of successive Leaders of the House between 1887 and 1895 show that Milman was much more active than Palgrave in proposing courses of action in the House to the government of the day. Milman was the principal adviser to William Henry Smith as Leader of the House on proposals for the carry-over of Bills.[40] Milman provided Gladstone's cabinet with proposals for the timetabling of the Government of Ireland Bill in 1893.[41] Milman acted as the principal adviser to Harcourt as Leader of the House in 1894 and 1895, notably on how to respond when the Government was defeated on an amendment to the Address. There is a perhaps revealing slip in the diary of Harcourt's son Lewis when he describes collecting the proposed new motion for the Address. He initially wrote that he collected the motion from Palgrave, but the Clerk's name is crossed out, and replaced by Milman's.[42]

Milman's prominence stretched beyond his official life. In January 1872 he married Susan Hanbury, the daughter of a wealthy Staffordshire landowner and mine-owner, whose brother Robert became Conservative MP for Tamworth a few months later. After this "fashionable marriage", Mrs Milman often appeared at society functions, sometimes wearing a dress "calculated to show off her tall, stately elegant figure".[43] Milman was described in 1893 as being "as well known in fashionable society as his father", who had been Dean of St Paul's and a prominent author.[44] The Milmans "for a number of years

[37] *Daily Telegraph*, 16 Mar. 1921, p.6 [accessed on microfiche in BL]

[38] *Echo (London)*, 18 July 1893, p.1; *Herald of Wales*, 15 July 1893, p.4

[39] *Manchester Courier*, 2 Aug. 1893, p.5

[40] C Lee, "Archibald Milman and the crisis of legislation", *The Table* (2023), pp.139–81, at pp.173–80

[41] "Home Rule Bill", p.46

[42] C Lee, "Archibald Milman and the 1894 Finance Bill", *The Table* (2018), pp.10–39, at pp.15–17; Bodl Lib, Harcourt MS 405, 14 Mar. 1894, p.98

[43] *The Queen*, 20 Jan. 1872, p.18; *Birmingham Daily Post*, 27 Feb. 1889, p.8

[44] *Glasgow Herald*, 17 July 1893, p.7; "Procedural response", p.24

attended the first nights of the most important productions at the London theatres". He was described as being an "intimate friend" of the composer Sir Arthur Sullivan, best known for his collaboration with Sir William Gilbert, and suggested to Sullivan the adaptation of one Milman's father's dramas, The Martyr of Antioch, as a cantata.[45]

In 1886, the Milmans and their six daughters moved from a house in South Kensington to the Clerk Assistant's residence in Speaker's Court in the Palace of Westminster. This residence had four storeys, including a large study and dining room on the principal floor, six main bedrooms and servants quarters on the ground and top floors.[46] In 1899, a journalist recorded of Milman that

> "His family and he are delightful socially. The Milman supper parties are a great delight and privilege to the select circle who have the opportunity of enjoying them."[47]

Journalists were seemingly among the attendees at their supper parties, judging by a press description of the dining room as "a very beautiful chamber, panelled nearly to the ceiling, and decorated with some very exquisite blue and white china, and a good many valuable old prints".[48] It was said that Mrs Milman "greatly contributed to her husband's popularity as charming hostess".[49] Susan became the centre of press curiosity in the summer of 1899 when journalists got hold of the story of a ghost seen in their residence by servants and others, a ghost who bore a remarkable resemblance to Susan herself, but was seen just before or just after Susan, but in different places. Mrs Milman happily gave press interviews about it, confirming that she had lost one of the governesses for her daughters who found the "strange sight" disconcerting.[50] Only later did Milman himself provide a rational explanation, blaming the effect of glass doors which functioned as mirrors, or simple confusion between his very tall wife and one of his equally tall daughters.[51]

Milman's reputation was enhanced by his striking appearance. A revealing story was told in the diary of Kate Courtney, the wife of Leonard Courtney, Chairman of Ways and Means from 1886 to 1892. On 22 May 1887, a service for the Queen's Golden Jubilee was held at St Margaret's Church. Kate was

[45] *The Stage*, 20 Feb. 1902, p.13

[46] This account is taken from Office of Works Plans for 1881, kindly provided by Dr Mark Collins, FSA, Estates Historian and Archivist.

[47] *Stockton Herald, South Durham and Cleveland Advertiser*, 4 March 1899, p.2

[48] *Manchester Evening Chronicle*, 29 June 1899, p.3

[49] *Eastern Evening News*, 15 Feb. 1902, p.4

[50] *Manchester Evening Chronicle*, 29 June 1899, p.3; *Sheffield Evening Telegraph*, 1 July 1899, p.6; *Lloyd's Weekly Newspaper*, 2 July 1898, p.13

[51] *Manchester Courier*, 17 Feb. 1902, p.4

sitting near to a lady and heard her ask "Who is that man next to Gladstone with the very fine head. He looks very remarkable". As Kate's husband was near to Gladstone she thought it might be Leonard and helpfully identified him, only for the lady to say "No the one with the wig on just behind". The rather crestfallen Kate then said "oh that is one of the Clerks of the House, Mr Milman".[52] One account of the clerks at the table described Milman as "a tall, dark man with sable silver hair and somewhat stooping frame".[53] Another wrote that "the pallor of his features was enhanced by his black, bushy eyebrows".[54] He stood out in part because Palgrave and Francis Jenkinson, the Second Clerk Assistant, were similar in appearance, such that they sometimes "appeared to be one and the same person",[55] whereas Milman's "lean, gowned frame and thin scholarly face … made him a distinguished and unique figure in the House" so that "Strangers entering the House for the first time could not fail to be struck by" his appearance.[56]

All these aspects of Milman's personality attracted press attention, sometimes courted and sometimes definitely not, as when he became the focus of interest in July 1893 after allegations about the advice he gave the Chairman of Ways and Means.[57] When one newspaper reflected on the aftermath of that incident, it said that Milman "is the Second Clerk at the Table, and is the most prominent and influential of the three".[58] Another correspondent noted:

> "he is the one man among the three clerks at the table who, having made special study of the rules and orders of the House, is regarded by the Speaker and the Chairman alike, as being a great authority on points of order."

Referring to the Irish Nationalist Tim Healy who had led the charge against Milman on that occasion, as well as some previous instances, the writer concluded that "There was something of rough, brusque truth in Mr Healy's suggestion that Mr Milman is boss of the House".[59]

An even more explicit reference to Milman's dominance appeared in the press in 1898:

> "Mr Archibald Milman, the second clerk of the House of Commons … fills a much larger place in the House than the public supposes. Whenever Sir

[52] London School of Economics and Political Science, Courtney/23, Kate Courtney's diary for 21 Aug. 1886–30 May 1887, fos 125v–126

[53] *Widnes Examiner*, 1 April 1898, p.2

[54] *Aberdeen Press and Journal*, 15 Feb. 1902, p.7

[55] *Echo (London)*, 8 Feb. 1900, p.1

[56] *Daily News (London)*, 21 Jan. 1902, p.7; *Aberdeen Press and Journal*, 15 Feb. 1902, p.7

[57] "Home Rule Bill", pp.49–56

[58] *Leicester Chronicle*, 15 July 1893, p.5

[59] *Aberdeen Press and Journal*, 13 July 1893, p.5

> William Harcourt or Mr Balfour refers to a consultation with 'the authorities of the House', Mr Milman is really meant, although the phrase is employed in the plural so as to theoretically include the other clerks at the table. Mr Milman, indeed, might almost be called the actual ruler of the House of Commons. Whenever a Member raises a point of order, Mr Milman sits sideways in his chair, listens acutely, and then prompts the ruling of the Speaker."[60]

In January 1900 it was said that "He is understood to be most learned in all matters relating to constitutional law and Parliamentary practice. Whenever the leaders are in doubt, they invariably consult Mr Milman."[61] Later that year, another press report described Milman as "the friend of all MPs who find themselves in a fix inside the House. 'When in doubt, consult Milman', is one of the unwritten laws of Parliament."[62]

A question which arises from such reports, and from the approach described, is how Reginald Palgrave, as Clerk of the House and Milman's superior, reacted to all this. In 1894, Palgrave paid a warm tribute to Milman in evidence to a select committee:

> "it gives me true pleasure to express my deep indebtedness to Mr. Milman, to whom I gladly turn, whenever occasion requires, for help and assistance, which is always most readily and ably given."[63]

Palgrave was temperamentally suited to a situation in which he retained formal precedence and the effective internal power associated with the role of the Clerk of the House, while Milman undertook much of the work which might naturally be expected to be undertaken by the most senior postholder. A revealing profile of Palgrave in February 1900 observed:

> "Sir Reginald Palgrave is a fountain of courtesy as well as of precedents. Perhaps a little of a dilettantist, he showed his amiable cynicism in his little book on Cromwell."

It was noted that he was a man with interests beyond his professional life—"such tastes of elegance as drawing with brush and pencil, stone-carving, and modelling in wax and clay". It was also suggested that, in his book on the House of Commons, Palgrave

> "again brought his dilettantism into play, and in many a fine touch of sarcasm displayed a pretty contempt for 'his masters'. Everything that tells against the authority, actual or assumed, of the Chamber is told with inimitable grace in

[60] *London Daily Chronicle*, 22 July 1898, p.5

[61] *London Daily Chronicle*, 31 Jan. 1900, p.7

[62] *St James's Gazette*, 27 Nov. 1900, p.5

[63] *Report from the Select Committee on House of Commons (Accommodation)*, HC (1894) 268, Q 1011

this delightful historical brochure."[64]

Palgrave's delightful cynicism was most clearly displayed in a series of satirical articles he wrote anonymously for the *Pall Mall Gazette* in 1865 in the form of letters from a crusty old MP giving advice to his newly-elected nephew, of which the following instance is perhaps unintentionally revealing:

> "you must keep up an appearance of usefulness. Anything beyond the appearance is not strictly necessary … Position and influence may be your own without the wear and tear so thoughtlessly incurred by your more enthusiastic colleagues."[65]

While Palgrave evidently enjoyed his position—in 1900 it was said that he was "now in his seventy-first year, but he certainly does not look his age"—it was Milman who exhibited signs of wear and tear. This was in part because the daily burden on the Clerk Assistant was considerably greater than that on the Clerk of the House. The latter was not required in the Chamber during the long hours spent in Committee of the whole House, either in Committee of Supply or during the hard-fought Committee stage on major Government Bills. The two Clerks Assistant bore the main burden in relation to questions and motions. Milman told a select committee in 1899 that "There is often a great deal of pressure … the revision and placing of motions and questions take a great deal of time". The two Clerk Assistants were also required to keep the minute books of the House and check them against the Votes and Proceedings after the House rose.[66] In 1871, Erskine May had rejoiced on his promotion to Clerk because

> "I shall be spared the intolerable drudgery of keeping the minute books for the 'Votes and Proceedings', which have sometimes worn my fingers to the very stumps, and made the nerves of my head throb through the night."[67]

Until well into his sixties, Milman had endured "many dreary years of drudgery in a subordinate post".[68]

Milman's health at times suffered as a result. T P O'Connor later recollected that Milman "always looked a delicate man, for even when he was still only approaching middle age he walked as if he were doubled up in two with pain

[64] *Echo (London)*, 8 Feb. 1900, p.1; R Palgrave, *The House of Commons: Illustrations of its History and Practice* (2nd Edition, 1878)

[65] *Pall Mall Gazette*, 7 Feb. 1865, p.2. On Palgrave's authorship of the letters, see *Pall Mall Gazette*, 14 Apr. 1897, p.2.

[66] *Report from the Joint Committee on the House of Lords and Commons Permanent Staff*, HC (1899) 286, QQ 409–10

[67] D Holland and D Menhennet, eds, *Erskine May's Private Journal, 1857-1882: Diary of a Great Parliamentarian* (London, 1972), p.24

[68] *Black & White*, 22 Feb. 1902, pp.8–10

in his back".[69] He remained physically active, but this was part of his undoing. It was noted that "He is greatly bent, but is an intrepid cyclist".[70] It was said that he

> "is often to be seen in the parks and about the town on his machine during the hours before Mr Speaker takes the chair. He is sometimes bolder in a crowded thoroughfare than many a younger man would care to be."[71]

Shortly before noon on Wednesday 20 July 1898, when Milman was cycling on Buckingham Palace Road, he was thrown from his bicycle, and a cab passed over his leg. A colleague recognised Milman and came to his assistance; he was placed in a cab and conveyed to his residence. It was said that he was "suffering much pain in the left leg".[72] Less than a month later, he was said to be "covered with honourable bruises sustained in the too eager pursuit of this kind of pleasure".[73] And in April 1899 it was reported that Milman "has returned to the wheel, and yesterday might have been seen pedalling along Victoria Street as airily as the youngest cyclist in the land".[74]

"Filching away the rights of private Members": sitting patterns and the problem of precedence up to 1895

As part of Milman's activism, he was heavily involved in designing a solution to what he and others saw as one of the most fundamental challenges for the effective functioning of the late Victorian House of Commons—the mismatch between the proportion of time formally set aside in the House for government business on the one hand and the time that the government required on the other. This section considers the nature of this challenge up to 1895. The next section examines the proposals advanced by Milman for tackling it and their reception up to 1900.

Government orders of the day—business such as stages of Bills and adjourned debates set down by an order of the House on a preceding day—had priority as a matter of course only on Mondays and Thursdays.[75] Fridays were formally a day on which government orders had priority, but the usual practice by the 1870s was for the main debate to be on an amendment to the motion for the Speaker leaving the Chair moved by a private member, which, as Milman put

[69] *The Sunday Times*, 23 Sept. 1928, p.15

[70] *The Sketch*, 7 Feb. 1900, p.7

[71] *Irish Times*, 1 Feb. 1900, p.4

[72] *Pall Mall Gazette*, 20 July 1898, p.7; *Newcastle Daily Chronicle*, 21 July 1898, p.3

[73] *Pall Mall Gazette*, 13 Aug. 1898, p.2

[74] *Westminster Gazette*, 18 Apr. 1899, p.1

[75] PCJ, Miscellaneous Precedents, Vol 3, fos 128–129, Note on Orders of the Day, 1887; HC Deb, 25 Jan. 1881 col 1319; Redlich, I.86

it, "made Friday practically a [private Members'] notice day".[76] On Tuesdays, private members' motions had priority, with precedence determined by ballot; a ballot was also used for the member having priority to move an amendment on Fridays.[77] On Wednesdays, private members' orders had priority, which meant second reading and subsequent stages of non-Government Bills, with priority largely determined by a ballot at the start of the Session.[78] It was a routine complaint of Ministers that they had only two out of five parliamentary days available for their legislative and financial business, although Wednesdays were much shorter days than the others, with a moment of interruption—the time after which opposed business could generally not be proceeded with—at 5.45pm.[79]

Two methods were available for the government to resolve the mismatch between their formal allocation of time and the needs of government business. The first was to propose a so-called "morning" sitting on a Tuesday or Friday, whereby the House sat at 2.00pm, rather than the usual start time on days other than Wednesdays of 3.45pm. In consequence, government business had precedence until 7.00pm, with the scheduled private members' business relegated to the evening sitting, between 9.00pm and 12.30am. This became a routine method of securing additional precedence for government business, popular with Ministers and often resented by backbenchers. In 1878, there were 19 morning sittings on Tuesdays and Fridays and in the following Session there were 18.[80]

The second method was through a motion to secure precedence for government business on a day otherwise reserved for backbenchers. Prior to 1880, such motions were reserved almost exclusively for the closing weeks of a Session and the debates on them followed a familiar pattern. Leaders of the House would stress that they moved the motion with "great reluctance", while

[76] PCJ, Miscellaneous Precedents, Vol 4, fos 89–91, Suggestions for facilitating business with a view to the House rising early in July, at fo 89v; HC Deb, 25 Jan. 1881, col 1319; HC Deb, 24 Oct. 1882, col 51; "Failure", p.17

[77] PCJ, Miscellaneous Precedents, Vol 4, fos 89–89v and 90v; PCJ, Miscellaneous Precedents, vol 3, fo 108, Arrangement of Business other than Gov[ernmen]t Business

[78] PCJ, Miscellaneous Precedents, Vol 3, fos 128–129

[79] "Failure", pp.17–18; PCJ, Miscellaneous Precedents, Vol 4, fos 1–2v, Morning Sittings—their Origin and Development, Apr. 1894

[80] PCJ, Miscellaneous Precedents), Vol 4, fos 1–2v; Redlich, I.104, n 4; HC Deb, 25 Feb. 1873, cols 911–12; HC Deb, 27 March 1873, col 240; HC Deb, 27 Mar. 1873, col 240; *Business of the House (Precedence of Government Business): Return for Sessions from 1878 to 1887*, HC (1888) 149, p.2; HC Deb, 15 June 1868, cols 1568–1569; HC Deb, 31 July 1871, col 563; HC Deb, 5 July 1870, col 1554; HC Deb, 19 July 1872, col 1418

acknowledging the value of "the privileges of private Members".[81] They would offer a sacrifice by the government, with a promise to prioritise only certain key legislation with other government bills being dropped.[82] The motion thus became associated with the process which, as Sir Stafford Northcote, Leader of the House from 1876 to 1880, put it, "is technically known as the Massacre of the Innocents", when the government agreed to drop a good number of its own bills.[83] The Leader would hold out the prospect of the motion enabling an early end to the Session—a clear benefit designed to attract the broadest support for the motion.[84] The contributions by the Leader of the Opposition in response were often equally formulaic. They would recognise that the precedence motions were well-established and generally not opposed.[85] They would often urge the government to narrow its legislative priorities or clarify its intentions.[86] They might call for certain non-government business to be given time.[87] They would sometimes imply that the precedence was only required due to the government's mismanagement of the House's business,[88] but could be relied upon to support the motion.[89]

The tenor of backbench contributions in these debates was often deprecatory, bemoaning the loss of "ancient privileges" of backbenchers due to actions of the government, so that "the Business of the House was more and more falling into the hands of the Government", often acting with the support of the Leader of the Opposition.[90] There were frequent complaints about the government's business management.[91] Another recurring complaint was that Supply had

[81] HC Deb, 11 June 1874, col 1166; HC Deb, 15 June 1868, col 1568; HC Deb, 7 Aug. 1876, col 706; HC Deb, 23 July 1877, cols 1678–79

[82] HC Deb, 15 June 1868, cols 1568–1569; HC Deb, 23 July 1877, cols 1532–34; HC Deb, 14 July 1879, cols 315–16

[83] HC Deb, 15 July 1878, col 1479

[84] HC Deb, 19 July 1872, col 1417

[85] HC Deb, 15 June 1868, col 1569; HC Deb, 25 July 1870, col 879; HC Deb, 22 June 1875, col 297; HC Deb, 27 July 1875, cols 93–94, 97; HC Deb, 15 July 1878, col 1472

[86] HC Deb, 15 June 1868, cols 1569–70; HC Deb, 22 June 1875, cols 297–98; HC Deb, 7 Aug. 1876, cols 708–09; HC Deb, 15 July 1878, cols 1472–73

[87] HC Deb, 15 June 1868, col 1569; HC Deb, 21 July 1873, cols 665–66; HC Deb, 14 July 1879, cols 333

[88] HC Deb, 21 July 1873, cols 665–66

[89] HC Deb, 15 June 1868, col 1569; HC Deb, 25 July 1870, col 879; HC Deb, 31 July 1871, cols 562–63; HC Deb, 21 July 1873, col 665

[90] HC Deb, 19 July 1872, col 1418; HC Deb, 31 July 1871, col 565; HC Deb, 19 July 1872, cols 1420–21 and 1426–27; HC Deb, 11 June 1874, cols 1409–10; HC Deb, 22 June 1875, cols 299–300; HC Deb, 7 Aug. 1876, cols 704–05, 707; HC Deb, 23 July 1877, cols 1669–70

[91] HC Deb, 19 July 1872, cols 1420–24; HC Deb, 22 June 1875, cols 299, 301; HC Deb, 7 Aug. 1876, cols 710–11; HC Deb, 23 July 1877, col 1675; HC Deb, 14 July 1879, cols 317–18

been left too late in the session.[92] Not all backbench contributions embodied opposition to the motions. Some accepted the limited value of private members' time towards the end of a session.[93] At the end of debate, the motion was almost invariably agreed to, often without a division.[94]

There were also a number of new elements to the motions and debates in the 1880s in the form of motions to give precedence to certain types of business, including motions for precedence on days needed to conclude the debate on the Address in response to the Queen's speech. This had traditionally been confined to no more than 2 or 3 days, but now stretched much longer, becoming an opportunity for private members' amendments on matters of concern to them. This development reflected the changing tenor of business in the House, and was in part a reaction to the reduction of opportunities for private members later in a Session.[95] Another significant category of precedence motions debated in the 1880s were those to provide precedence on what would have been non-government days under Standing Orders for proceedings on specified government bills.[96] The most notorious instances were those for coercive legislation for Ireland in 1881 and 1887, the latter debated over four sitting days.[97] Debates on precedence for bills were increasingly debates on the measure itself—or time wasted "discussing what they were to discuss",[98] as Sir William Harcourt tartly put it—and increasingly partisan in consequence.[99]

It was not simply legislative business that was accorded priority in this way, and a third category of novel precedence motions in the 1880s were those to provide time for specified items of business. One recurring item concerned changes to procedure rules—in the autumn sittings of 1882 and in 1887 and 1888.[100] As with comparable debates on legislative business, these debates on precedence frequently became a proxy for the substantive debates, or at least about how the business would be managed, as much as the reallocation of time

[92] HC Deb, 4 Aug. 1871, cols 849–50

[93] HC Deb, 11 June 1874, cols 1407–08

[94] The motion for precedence on Tuesdays on 22 June 1875 was withdrawn, in part due to Disraeli's absence: HC Deb, 22 June 1875, cols 302–03.

[95] HC (1888) 149, pp.9–16; *Business of the House Return for 1888*, HC (1888) 438, p.4; *Business of the House Returns for 1889 and 1890*, HC (1890) 409, p.5

[96] HC (1888) 149, pp.10–16; HC (1888) 438, p.5

[97] HC Deb, 25 Jan. 1881, cols 1313–487; HC Deb, 22 Mar. 1887, cols 1154–1221; HC Deb, 23 Mar. 1887, cols 1224–77; HC Deb, 24 Mar. 1887, cols 1453–38; HC Deb, 25 Mar. 1887, cols 1477–1587

[98] HC Deb, 1 May 1883, col 1592

[99] HC Deb, 20 June 1882, cols 1769–806; HC Deb, 1 May 1883, cols 1579–97; HC Deb, 20 Apr. 1885, cols 165–81; HC Deb, 18 May 1886, cols 1289–99

[100] HC (1888) 149, pp.12, 16; HC (1888) 438, p.4

itself.[101] Another recurring item requiring such motions was Supply and related financial business.[102]

These new types of precedence motion did not preclude the need for the more traditional type of precedence motion at the end of the Session, when the Government took most of the remaining time. The additional incursions on private members' days consequent upon these new categories of precedence motion meant that even the precedence motions at the end of a session could be seen as the final act in a cumulative erosion of backbencher time. In 1887, in opposition, Gladstone said in relation to the concluding precedence motion of 1887 that he was "not against this Motion only, but against the entire chain" of such motions that Session.[103]

In 1881, the total number of days taken by the government was 26, to which could be added 20 days set aside for private members curtailed through morning sittings. The equivalent figures were 29 and 22 in 1882, 20 and 21 in 1883 and 10 and 22 in 1884. The number of morning sittings fell sharply thereafter—to 2 in 1884–85, 1 in 1886 and 4 in 1887—but this was offset by an increase in the number of whole days taken in the later Sessions which saw the most sustained obstruction—35 in 1884–85 and 53 in 1887.[104] Partly in consequence of this, Opposition frontbench support for such motions was less evident. Gladstone noted this with regret as premier in 1883, but was himself responsible for a frontal assault on a precedence motion as Leader of the Opposition in 1887.[105]

In 1888, the Leader of the House, W H Smith, brought forward proposals for "the better discharge of Public Business" designed to address the exhaustion arising from late sittings and additional sitting days in the preceding years. He proposed that the House should sit on Mondays, Tuesdays, Thursdays and Fridays at 3.00pm, rather than 3.45pm, with an accompanying proposal to switch the moment of interruption to midnight from 12.30pm. His proposal also incorporated a suggestion made by Palgrave and Milman late in 1887 for Ministers to move a motion to be decided without amendment or debate at the commencement of public business to exempt any business after the moment of interruption to "enable the Government to conclude its most important business" without what the clerks termed "a preliminary wrangle".[106] Smith's original proposal had also embodied formal provision for suspension between

[101] HC Deb, 24 Oct. 1882, cols 45–69

[102] HC (1888) 149, pp.10, 15; HC (1888) 438, p.5; HC (1890) 409, pp.5–6

[103] HC Deb, 4 July 1887, cols 1619–20

[104] HC (1888) 149, pp.11–16, 19–20; HC (1888) 438, p.6

[105] HC Deb, 11 July 1883, cols 1108–09; HC Deb, 4 July 1887, cols 1616–20

[106] HC Deb, 24 Feb. 1888, cols 1400–03, 1445; CJ (1888) 63–64; PCJ, Miscellaneous Precedents, Vol 3, fos 162–166, Memorandum on New rules proposed, 30 Nov. 1887, at fo 163v

8.00pm and 9.00pm, extending and formalising the informal suspension for around 30 minutes known as "the Speaker's chop". Opponents of this measure argued that the proposal would "kill the dinner hour", the time after the short break when the House continued to sit while most members were absent at dinner, when, it was said "younger Members had an opportunity of addressing the House". The proposal was swiftly abandoned after an intimation that the Speaker saw no need for a longer break and more formal provision.[107]

The House also agreed in 1888 to two more changes concerned with the management of business. First, the House passed a Standing Order which effectively removed the distinction between orders and notices on government days—in other words between business set down by prior decision of the House and fresh motions—precluding the need for business motions to give a government motion precedence on order days.[108] Second, the Government introduced a proposal discussed for many years, and designed to assist private members. Hitherto, priority for private members' bills was determined by the ballot and then by the date on which notice was given, so that stages subsequent to second reading were always behind second readings in the queue. The new Standing Order, agreed without contention, provided that, after Whitsuntide—the seventh Sunday after Easter—private members' bills would be arranged on the Order Paper so as to give priority to those that were most advanced, with consideration of Lords Amendments placed first, followed by third readings, report stage, progress in committee and bills appointed for committee, all before second reading.[109] In the spirit of this Standing Order, Smith offered government time towards the end of the Session for private members' bills that had advanced furthest under this new system.[110]

The reforms of 1888 did little to reverse trends in the overall balance of time between government and backbenchers. The government gained additional precedence for 36 days that would otherwise have been provided to private members in 1888, along with 15 morning sittings on Tuesdays and Fridays. The equivalent totals for 1889 were 52 and 19.[111] In 1888, private members were left with the equivalent of about 30 days out of 160 sitting days, and these

[107] HC Deb, 24 Feb. 1888, cols 1403, 1405, 1416–17, 1421–22, 1424, 1447–48; CJ (1888) 63–64; Redlich, III.205

[108] CJ (1888) 72; HC Deb, 28 Feb. 1888, cols 1720–21; PCJ, Miscellaneous Precedents, Vol 3, fos 175–178v, Procedure Rules, 10 Feb. 1888

[109] CJ (1888) 74–75; HC Deb, cols 1774, 1787

[110] HC Deb, 10 July 1888, col 898

[111] HC (1888) 438, pp.6, 2–3; HC (1890) 409, pp.11, 3–4

were generally short days.[112] In 1889, private members' had about 25 days out of 122 sitting days.[113]

Precedence motions proposed by government were almost invariably passed. Governments won the votes not simply through party loyalty but because the trade-off in reality was not between Government time and private members' time but between a shorter or longer Session. The government was recognised as having an inherent right to get its highest priority business through, having made an appropriate sacrifice, and if private members had exerted their notional majority to limit precedence for the Government, the summer recess would simply come later. In July 1889, Smith was able to note that "a strong desire exists that the Session should not be unduly prolonged".[114]

Moreover, it would be wrong to conflate backbench time with backbench opportunity. In the 1880s, debates on the Address and Supply business were used increasingly as opportunities for private members to debate matters which might previously have been raised in private members' time.[115] As the Liberal backbencher Sydney Buxton put in 1889:

> "one reason why there is so much time absorbed in Motions on the Estimates … is that the Government are always intruding on the rights of private Members. If private Members cannot get these rights in meal they will have them in malt."[116]

There was often particular value in doing so as the Government had to retain a quorum for its business and private members found it very hard to sustain a quorum for their own business when the House resumed at 9.00pm on a day when government business had preceded it at a "morning sitting".[117] Backbench utilisation of debates on the Address and Supply created a vicious spiral. Those debates were extended, entailing more balloted private members' days being lost, as was noted by Smith and Gladstone in 1889.[118]

The period between 1890 and 1895 was in some ways the nadir of private members' time. For this period, there is detailed statistical information on private members' time presented in terms of hours rather than 'days'. The use of days as the unit of measurement overstates the time available for private

[112] A A Taylor, *Statistics Relative to the Business and Sittings of the House* (hereafter *Sittings Statistics*) (House of Commons Journal Office, undated), pp.111, 205. In these and comparable calculations below, an evening sitting is treated as a half-day.

[113] *Sittings Statistics*, pp.112, 206

[114] HC Deb, 11 July 1889, col 135

[115] HC Deb, 17 Feb. 1887, cols 1781–82; HC Deb, 8 Mar. 1889, col 1294–1308

[116] HC Deb, 8 Mar. 1889, col 1296

[117] HC Deb, 30 Apr. 1889, col 785

[118] HC Deb, 5 Mar 1889, cols 991–93

members, as they were often shorter days. Thus, in 1890 private members' business had precedence on 21 out of 125 sitting days, but amounted to only 7.2% of total sitting hours. In 1893–94, the equivalent figures were 21 days out of 226 and 4.9%, and in 1894 15 out of 113 sitting days and 4.4%.[119] In the 1892 Session, the government secured precedence for the bulk of 11 Tuesdays and 10 Fridays through the use of morning sittings.[120] In the long Session of 1893–94, there were morning sittings on 4 Tuesdays and 20 Fridays.[121]

On 9 April 1894, Harcourt as Leader of the House moved a motion seeking precedence for government business on Tuesdays and Fridays for the remainder of the Session. The removal of the main days on which private members' motions could expect to have priority for almost an entire Session was, as Harcourt disarmingly admitted, one seemingly without precedent, justified simply by the late start of the Session and the desire to avoid another extended Session.[122] The senior Unionist James Lowther characterised it as "a very formidable fundamental change" and a question "of great Constitutional precedent".[123] Liberal backbenchers were also uneasy, but willing to make the sacrifice to support the government's legislative ambitions.[124] This motion was followed by another for government precedence on Wednesdays on 31 May, with one Opposition backbencher complaining of "the almost brutal frankness" of this further "serious inroad on the privileges of private Members". He concluded:

> "This system of Governments filching away the rights of private Members had been growing until now it had culminated in a robbery the extent of which had never before been equalled."[125]

As Harcourt sought more time from private members for government business in 1894, Balfour as Leader of the Opposition consistently welcomed the tone of Harcourt's speeches and readily admitted to the degree of continuity between Harcourt's claims on time in the House and the practices of previous administrations, including that in which Balfour had played a leading role. Thus, on 9 April, he acknowledged that he would face backbench condemnation for appearing to join together with the government, as indeed he did.[126] Again on 31 May, Balfour all but supported Harcourt's proposal:

[119] *Sittings Statistics*, pp.111–112, 206–208, 279

[120] *Business of the House Return for 1892*, HC (1892) 303, p.3

[121] *Business of the House Return for 1893–94*, HC (1893–94) 0.83, pp.3–4

[122] HC Deb, 9 Apr. 1894, cols 1596–1603. For a survey of previous practice, see HC Deb, 31 May 1894, cols 52–53.

[123] HC Deb, 9 Apr. 1894, cols 1627–1630. See also HC Deb, 9 Apr. 1894, cols 1632–1633

[124] HC Deb, 9 Apr. 1894, cols 1609–1610, 1624–1627, 1630–1632.1633–1635.

[125] HC Deb, 31 May 1894, cols 49–53

[126] HC Deb, 9 Apr. 1894, cols 1603–1609, 1630

> "at this time of the year, when the Government business is considerably in arrear, and when a great deal of necessary financial work of the year is still to come, some proposal of this kind to still further trench on the time of private Members was to have been expected."

Later in the debate, his denial of suggestions that "the two Front Benches were leagued together in a conspiracy against the rights of private Members" was unconvincing.[127] During the final precedence debate of the Session, on 18 August 1894, Harcourt stated clearly from the outset that he knew he had Balfour's support for the motion, and Balfour confirmed as much.[128]

"Rules ...made to conform to modern practice": Milman proposals on precedence

The mismatch between the time formally allotted to government and the time needed to transact its business had been a concern of Milman for many years. In 1878, he wrote that

> "the poor Government are allowed but two days a week to transact all the business of this mighty nation, and out of this scanty allowance they have to find opportunities for every regular attack on their policy, and to receive every minor assault that can be made upon them on Supply".[129]

Along with Palgrave, he had authored the proposals introduced in 1888 to give the government greater freedom to manage its own business, by removing the distinction of order days and notice days for government, and to allow ministerial motions to exempt business after the moment of interruption to be taken forthwith. They had also made other proposals in 1887, which were not immediately adopted, to limit the duration of question time and to provide that "any business described on the Notice Paper as the Principal Business of the Day may be appointed for half-past Five", with any business other than privilege interrupted to enable that to start.[130] These proposals were renewed in 1889, along with a further measure designed to assist with the transaction of business by changing the definition of opposed business from a single objection to 20 members rising in their place to oppose, designed "to prevent factious opposition between Twelve and One o'clock to the transaction of such Business

[127] HC Deb, 31 May 1894, cols 46–49, 66

[128] HC Deb, 16 Aug. 1894, cols 1258–1271

[129] "The House of Commons and the Obstructive Party", *Quarterly Review*, Volume 145, No 289, 1878, pp.231–257, at p.232

[130] PCJ, Miscellaneous Precedents, Vol 3, fos 162–166, Memorandum on New rules proposed, 30 Nov. 1887, at fos 162v, 163v

as is acceptable to the majority of the House".[131]

In 1890, Milman went further in a memorandum entitled "Suggestions for facilitating business with a view to the House rising early in July". Alongside proposals for a Session to start in the third week of January and for limiting the length of debates on the Address and on Supply, Milman suggested that further time

> "could be won if the whole time of the House, except Wednesday, were to be given to the Government after the first of May; and including Wednesday after the first of June. As private Members would enter upon their rights five weeks earlier than in recent years, this change would inflict no sacrifice on them."[132]

Milman calculated that his proposals, taken together, would increase the time available for government and private members.[133]

In December 1895, Milman prepared a memorandum designed to address the accumulated problems with the management of the business of the House and the length of sessions. He noted how the government's allocation of time "came into existence when the conditions of parliamentary life were altogether different", so that "every Session it has to ask for additional time, and the Members who have secured days in the ballot are naturally disappointed". He contended that

> "It would be fairer to all if the Rules were made to conform to modern practice instead of being a mere memento of an arrangement of business deemed adequate long ago. The Government ought to have Morning Sittings on Tuesday till Easter, and on Friday till Whitsuntide, after Easter the whole of Tuesday, and after Whitsuntide the whole of Friday."

He went on:

> "This, roughly speaking, is the partition of time which is attained after many hours wasted in fruitless and somewhat irritating debate, and it would be an economy of time and temper if the rule was made once for all in harmony with the fact instead of the rule being each Session adapted to the fact."[134]

The main intended audience for these proposals in early 1896 was almost certainly Balfour, the Leader of the House. Milman's proposals on precedence were not taken up immediately, although other elements of his paper probably

[131] PCJ, Miscellaneous Precedents, Vol 3, fos 154–155v, Procedure: Draft Rules, 1889, at fos 154–155

[132] PCJ, Miscellaneous Precedents, Vol 4, fos 89–91, Suggestions for facilitating business with a view to the House rising early in July, at fo 89

[133] PCJ, Miscellaneous Precedents, Vol 4, fo 90

[134] PCJ), Miscellaneous Precedents, Vol 4, fos 92–97, Suggestions for Facilitating the Business of the House, at fo 96

helped to shape Balfour's proposals for Supply reform introduced in February 1896. Those reforms reduced the difficulties by limiting the time available for Supply and by providing that substantive Supply business would have priority on any Friday for which it was set down, so that, in Balfour's words, Fridays were "permanently devoted to financial work", it enabled government to secure a third day of the week for its business whenever it wished.[135]

Any beneficial effect was hardly apparent in 1896 itself. There had been only the equivalent of 6 motion days and 8 order days for private members up to late April when, on 27 April, Balfour moved a motion giving government business precedence for any day for which it was set down, which, as Balfour admitted, would "practically give the control of the time of the House for the remainder of the Session to the Government". This was novel in its sweeping nature, with the government securing complete control by default and time being made available for private members only by the act of the government not putting down its business for a particular day, so that, in the words of one backbencher, "private Members would never know what their time would be". Balfour indicated an intention to allow some Wednesdays for private members' bills, and indeed did cede two Wednesdays in June. The motion was opposed by Harcourt as Leader of the Opposition and backbenchers on both sides of the House. The Radical Sir Charles Dilke called for wider consideration of how the House's time was allocated.[136]

The time available for private members was somewhat greater in the following years, equating to 21 out of 127 sitting days in 1897, 16 out of 119 in 1898 and 18 out of 117 in the first Session of 1899.[137] Such protection as was provided for private members' time was largely focused on their legislation on Wednesdays, with days provided for those Bills which had made progress beyond second reading.[138] In consequence, the time available for private members' notices on Tuesday, and the very occasional Friday, were squeezed disproportionately, so that one member whose success in the ballot was trumped more than once by government precedence complained that "This was turning the Standing Orders into a farce".[139]

"A past master is required": Milman's appointment as Clerk

On 30 January 1900, the first day of a new Session, the Speaker, William Gully,

[135] HC Deb, 27 Apr. 1896, col 1738; "Control of supply", pp.118–127

[136] *Business of the House Return for 1896*, HC (1896) 353, p.7; HC Deb, 27 Apr. 1896, cols 1737–53

[137] *Sittings Statistics*, pp.113, 209–10

[138] HC Deb, 6 June 1898, col 724; HC Deb, 24 Apr. 1899, cols 389–91

[139] HC Deb, 11 Feb. 1897, col 193

announced to the House the impending retirement of Reginald Palgrave from the post of Clerk of the House. It was said that "the announcement came upon the House as a surprise", although to some it "was not unexpected":

> "he has made no secret of the fact to some of his friends that the time was fast arriving—if indeed it had not already arrived—when he would feel himself justified in retiring from active life."[140]

It was "very generally taken for granted" that Milman would be appointed as Palgrave's successor. One newspaper reported as a fact that "Milman will now be promoted to the chief", although it was noted that this was a Crown appointment and "need not necessarily be made from the ranks of the officials of the House of Commons".[141]

Over the weekend of 3 and 4 February, rumours spread that the Prime Minister, the Marquess of Salisbury, was considering another candidate. On Monday 5 February, a story appeared in the *London Daily News* which showed every sign of being inspired by sources within the government, or at least the principal governing party. It suggested that "It has been rather too hastily assumed" that Milman would succeed Palgrave. While Milman's "knowledge and competence cannot be disputed", the appointment "rests with the Prime Minister alone" and "Governments are not in the habit of delegating valuable patronage to others". The article alluded to political candidates that had been considered prior to Palgrave's appointment in 1886. It then made the rather implausible claim that the Speaker had no particular need of the Clerk:

> "Most of the critical decisions which come from the Chair are given on the spur of the moment, and there is no opportunity for real consultation with anyone."

The current Speaker "acquired the requisite knowledge" to carry out his role effectively "in a few weeks". The author then dug up one alleged incident in the course of Erskine May's long career when he had allegedly given inappropriate advice and argued from this instance that "purely technical suggestions are not always good". The article latched onto the fondness of clerks for "what they are pleased to call editing questions" as an instance of "caprice". The central purpose of the article was evident from the following statement:

> "We are credibly informed that the Prime Minister intends to appoint a political supporter of his own. This is Mr Charles Stuart-Wortley."

[140] HC Deb, 30 Jan. 1900, cols 70–71; *London Daily Chronicle*, 31 Jan. 1900, p.7; *Norfolk Chronicle*, 3 Feb. 1900, p.7. It was later suggested that Palgrave "really did not wish to resign, but retired before his time to give his successor a chance": R Farquharson, *In and Out of Parliament: Reminiscences of a Varied Life* (London, 1911), p.221.

[141] *Pall Mall Gazette*, 30 Jan. 1900, p.6; *Gloucester Citizen*, 1 Feb. 1900, p.4; *Norfolk Chronicle*, 3 Feb. 1900, p.7; *Birmingham Daily Post*, 31 Jan. 1900, p.4; *London Daily Chronicle*, 31 Jan. 1900, p.7; *Westminster Gazette*, 3 Feb. 1900, p.1

Stuart-Wortley was an MP who was "one of the Conservatives left out of office four years ago to make room for Mr Chamberlain's tail"—in other words, someone who might have become a Minister but for the appointment of Liberal Unionists to office as part of the Unionist coalition. It was admitted that Stuart-Wortley "has not taken a very prominent share in debate, but he has served his party with fidelity and vigour". The article closed by admitting that "Mr Milman will be thought, both in the House of Commons and out of it, to have been very badly treated if a stranger is put in over his head". But the Government could not be "blamed for wishing to introduce a fresh element into a rather hide-bound system, and against Mr Stuart-Wortley in particular there is not a word to be said".[142]

On the same day, *The Times* stated that "influential representations have been made with the object of obtaining for a Conservative member of Parliament the post of Clerk of the House of Commons". It went on:

> "The report has excited a good deal of comment in official circles, for it is felt that an interruption of the ordinary flow of promotion at the table for the purpose of rewarding party services would be an unfortunate departure from the time-honoured tradition that the Clerkship is a non-political appointment."[143]

As the parliamentary week began, feeling among MPs on the matter became evident:

> "Lord Salisbury will do a very unpopular thing if he carries out the intention with which he is credited of appointing one of his supporters in the House of Commons to the vacant chair at the clerks' table. A poll of the members would probably result in the almost unanimous election of Mr Milman."[144]

It was also reported as "smoking-room gossip" that "considerable indignation exists at an attempt, worthy of American politics, to interrupt the familiar tradition".[145]

There may have been another factor in sympathetic press reporting of Milman's position. For some time, there had been pressure for increased accommodation for reporters and ministers in the Palace of Westminster, with particular focus on the residences provided to the Clerk and Clerk Assistant. Palgrave had mounted a vigorous defence of the case for residences for both postholders in evidence to an 1894 Select Committee, with Milman following the matter closely, but the Committee concluded that only the Clerk needed a residence, and that the change should be effected at the time of the next

[142] *Daily News (London)*, 5 Feb. 1900, p.4

[143] *The Times*, 5 Feb. 1900, p.6

[144] *South Wales Daily News*, 6 Feb. 1900, p.4

[145] *Gloucester Citizen*, 6 Feb. 1900, p.3

appointment to the Clerkship, with the space thereby created available to ministers and reporters.[146] The press realised these plans would be placed in jeopardy:

> "If an outsider is appointed the Press will never get any more room in the House, for Mr Milman could never be turned out of his present home."[147]

There is no doubt, however, that the press was reporting genuine support among members for Milman's appointment, as well as shared awareness that the extent of dependence on expert advice from the Clerk was far greater than was acknowledged in the original *Daily News* article. One article suggested that Milman's "right to first place is incontestable".[148] Another article hinted at the intimate knowledge Milman had acquired about politics during his years of service:

> "Mr Milman has occupied a seat at the table for 29 years, and his diary, which has been scrupulously kept up to date, contains a mass of information, the value of which can hardly be overestimated."[149]

Perhaps some of the most satisfying support for Milman was that from Irish Nationalist ranks. Despite past clashes, they recognised and respected his professional abilities. It was later reported that the nationalists "strongly protested" at the "Tory intrigue" and that subsequently Milman "sent a message of thanks to the Irish members for the action they had taken".[150] Tim Healy, with whom Milman had clashed on several occasions in the 1880s and early 1890s, suggested in his memoirs that Milman "had a greater grasp of parliamentary practice" than Erskine May and recalled that Milman had "softened so much" that Healy was delighted to offer support for Milman's candidature when it was asked for, and recalled Milman's words to a colleague that "I knew I was safe when dear Tim took my side".[151]

However, the most significant and influential support for Milman undoubtedly came from the Speaker. On 6 February, it was reported to be "known in the House that the Speaker is strongly in favour of Mr Milman's promotion".[152] In the course of that day, once the Speaker's position became evident, the Government decided not to press on with the Stuart-Wortley

[146] HC (1894) 268, Q 1009; TPA, ERM 11, Erskine May papers, fos 235-235v, Milman to Lady Farnborough, 14 Feb. 1895; HC (1894) 268, p.v; *The Times*, 31 Jan. 1900, p.10; HC Deb, 23 Feb. 1900, cols 947–49; HC Deb, 8 May 1900, col 1101

[147] *Dublin Evening Mail*, 6 Feb. 1900, p.1

[148] *Sheffield Independent*, 6 Feb. 1900, p.5

[149] *The Times*, 7 Feb. 1900, p.10

[150] *Eastern Evening News*, 15 Feb. 1902, p.4; *Evening Despatch*, 17 Feb. 1902, p.4

[151] T M Healy, *Letters and Leaders of My Day* (London, 1928, 2 vols), I.214

[152] *London Daily Chronicle*, 6 Feb. 1900, p.5

candidacy, and Milman was told he would be appointed.[153] And the Speaker's "aid" was acknowledged in Milman's letter to Campbell-Bannerman cited at the start of this article.

Milman must have been gratified by the support that ensured his appointment, as well as by a warm editorial in *The Times* on the morning of 7 February. He was described as "thoroughly imbued with the traditions he is now promoted to fill". He possessed "the kind of knowledge that cannot be acquired in desirable perfection anywhere but at the table of the House, nor even there save through a long apprenticeship such as Mr Milman has served". Had the rumoured candidate been appointed, he would have been "a learner in a place where a past master is required". The appointment of an MP would have been "a serious blunder" when "impartiality is as necessary for the Clerk as for the Speaker". Moreover, Milman was "the man who has the best personal claim to the Clerkship" and "the man best fitted by long training and experience to discharge its duties".[154]

Milman also received a touching letter from Harcourt, the Leader with whom he had worked most closely, but who had been unwell that week and so unable to offer congratulations in person on the promotion Milman had "so deservedly" received. Harcourt wrote that he had heard with "surprise and indignation the rumour that it had ever been supposed possible that the principal place should have been assigned to any other person". He felt sure that "no man who knows anything" of the House would have considered any other candidate, observing that "During my term of leadership I had constant experience of your kindness & assistance in the many difficulties" of that period, and had benefitted greatly from Milman's "knowledge & experience" in "the business of Gov[ernmen]t & of Opposition". He went on:

> "Without you the Speaker would indeed be *inops consilii* [without benefit of counsel]. You are the right man in the right place & long may you be first Counsellor of the H of C."

He concluded with a jokey postscript: "One piece of advice for the future: *cave de cyclibus pedibus tutificius ibis*", which may be translated as "Beware of bicycles, you will be safer on foot".[155]

"Your terrible illness": Milman's clerkship and the ordeals of 1901

Unfortunately, Milman was barely able to enjoy the benefits of the role for which he had waited so long. He seemingly began work on a new edition of

[153] *London Daily Chronicle*, 7 Feb. 1900, p.7

[154] *The Times*, 7 Feb. 1900, p.10

[155] Milman MS, Harcourt to Milman, 8 Feb. 1900

Erskine May's *Treatise*,[156] but his clerkship was blighted by prolonged and successive bouts of illness. In November 1900, it was reported that Milman, who had "been somewhat seriously ill, is now convalescent and able to take walking exercise". It was suggested that "there is, happily, every prospect that" Milman "will be able to take up his duties … when Parliament meets".[157] These prospects may have been dimmed by the additional short Session held in December 1900 due to the financial demands of the South African war.[158]

In February 1902, Milman said of his illness that:

> "Nobody can imagine what a strain it has been … For the past eighteen months I have had continually to have recourse to morphine."

Some accounts of his absence linked Milman's illness to his cycling accident in 1898, but in February 1901 it was described as "congestion of the lungs", probably pulmonary edema linked to a heart condition.[159] The Palace of Westminster was recognised as an unhealthy place to live and, in 1890, Milman had noted "one serious drawback" to which "this beautiful residence" was liable, namely "falls of soot, and returns of smoke whenever the wind is in the north east".[160] In February 1901, it was stated that Milman's illness "is of so serious a character that it is not likely that he will be able to resume his duties until after Easter". He was unable to attend his eldest daughter's wedding the week after Easter and later in April it was stated:

> "Very great anxiety is felt by the relatives and friends of Mr Archibald Milman … whose condition shows no sign of improvement, and this evening is regarded as serious."[161]

In mid-May he was referred to as being "in a very critical state of health", with a suggestion that he might be forced to retire. As the strain placed on his colleagues by his absence was noted, a journalist was told that "his doctor hopes to have him strong enough to resume work after the Whitsuntide recess".[162]

[156] J Redlich, *The Procedure of the House of Commons: A Study of its History and Present Form* (London, 1908, 3 vols), I.88–89, fn

[157] *Westminster Gazette*, 26 Nov. 1900, p.1; *St James's Gazette*, 27 Nov. 1900, p.5

[158] *Business of the House Return for Second Session of 1900 and Session 1901*, HC (1901–I) 340, pp.2–4

[159] *Black & White*, 22 Feb. 1902, pp.8–10; *Liverpool Daily Post*, 19 Feb. 1901, p.5

[160] HC Deb, 5 Sept. 1893, cols 180–181; HC (1894) 268, Q 1035; TNA, WORK 11/52, Milman to Secretary of Board of Works, 22 Apr. 1890. In 1900, it was said that "the rooms are noble and stately, but there are more agreeable and more healthy sites elsewhere": *The Sphere*, 3 Mar. 1900, p.200

[161] *Sheffield Evening Telegraph*, 20 Feb. 1901, p.3; *The Queen*, 13 Apr. 1902, p.42; *Yorkshire Post and Leeds Intelligencer*, 26 Apr. 1901, p.4

[162] *Western Mail*, 14 May 1901, p.4; *Gloucester Citizen*, 16 May 1901, p.3; *Derby Daily Telegraph*, 23 May 1901, p.4

However, his condition did not improve. In June, there were fresh rumours of his retirement and, in October 1901, it was reported that, although Milman

> "has been somewhat better of late, we are sorry to hear that it is extremely doubtful whether he will be able to take his place again at the table."[163]

In early December 1901, a junior colleague wrote to Milman:

> "I hope your terrible illness will at last forsake you, and that you have many more years of work before you—I hope too you will allow me to say how very much we have all admired your pluck."[164]

Milman's personal ordeal took place against a background of the most demanding parliamentary periods for many years. The management of parliamentary business had been relatively straightforward in 1900, probably aided by growing success on the battlefields of South Africa. Six Tuesdays, 14 Wednesdays and 1 Friday were available for private members' business, and the motion securing precedence for government business (with an exemption for two Wednesdays for private members' bills) was relatively uncontroversial.[165]

However, the main Session of 1901 was far more of an ordeal for the government and its backbench supporters, with the difficult phase of the war in South Africa matched by obstruction from Irish Nationalists and Liberal backbenchers on a scale unseen since the 1880s. Questions were more drawn out than ever before, causing the government's business to start later in the day: 7,180 Questions were asked occupying 119 hours or the equivalent to almost 15 eight-hour Parliamentary days, or three weeks of Government time.[166] Divisions were also used to delay business. There were 482 divisions, with many taking place at dinner time to maximise the inconvenience for government MPs.[167] The Conservative commentator Sidney Low admitted that Balfour has struggled during the Session "confronted by a fierce revival of obstruction from an Irish party, better organised and better led than it has been since the fall of Parnell". Low noted that at the end of the Session "the Nationalists retired, angry but jubilant, the Ministerialists with wrathful menaces of muzzling them next session by new and drastic amendments of Procedure".[168]

Balfour gave indications in the course of the Session that the problem of precedence would be one of the subjects of those amendments. In moving a

[163] *Western Times*, 20 June 1901, p.2; *Morning Leader*, 19 Oct. 1901, p.4

[164] TPA, HC/CL/PU/1/55, Box 2, Basil Williams to Milman, 5 Dec. 1901

[165] *Business of the House Return for 1900*, HC (1900–I) 331, p.6; HC Deb, 18 June 1900, cols 299–331

[166] "Control of supply", pp.128–29; HC Deb, 30 Jan. 1902, col 1353; *The Times*, 1 Mar. 1901, p.9; D N Chester and N Bowring, *Questions in Parliament* (Oxford 1962), pp.49–51

[167] HC Deb, 30 Jan. 1902, cols 1353–54; "Control of supply", p.131

[168] *Yorkshire Gazette*, 28 Dec. 1901, p.5; ODNB, Low, Sir Sidney James Mark

motion to seek government precedence and take away private members' days during that Session, he made clear how fed up he was with being "attacked on both sides of the House" as "an enemy of the privileges of unofficial Members". He admitted that the House lost something by not having opportunities for "general discussion" on topics chosen by backbenchers on Tuesdays and went on:

> "Something might be done to secure a certain number of days, at all events, in the session on which abstract resolutions may be brought before the House."[169]

"Government business shall have precedence": drafting the precedence proposals

Balfour's wish to tackle the problems of precedence coincided with a strong wish among his colleagues to address the range of procedural problems brought to the fore by the main 1901 Session. These found expression in a proposal from the government whips in mid-August 1901 that the House should have double sittings on four days a week, from 2.30pm to 7.30pm and from 9.00pm onwards, with the moment of interruption remaining at midnight. For the fifth day when priority was accorded to private members' bills, the hours would be unchanged, although the plan was for the day to be switched from Wednesdays to Fridays. The idea of a moment of interruption before an extended suspension for dinner had been proposed by the then Liberal government to the 1886 Procedure Committee and Milman had earlier drafted a provision for government business to have priority at the first sitting on Tuesdays and Fridays up to 7.20pm, which would be treated as a moment of interruption, with the normal rules for sittings on those days applying when the House resumed at 8.00pm.[170] The Whips' proposal was endorsed by Balfour, who had himself mooted switching Supply from Fridays to Thursdays in 1899, and who saw the institution of double sittings as the way to solve a number of problems with existing procedure.[171] By October, the whips and Balfour had further developed their proposals. Their proposals differed in some respects, including about the timing and conduct of questions and the detailed allocation of each sitting, but some essential features were shared: private members'

[169] HC Deb, 4 Mar. 1901, col 446

[170] TNA, CAB 37/58/79, Memorandum on Hours of Business in the House of Commons from Government Whips; *Report from the Select Committee on Parliamentary Procedure*, HC (1886–I) 186, p.viii; PCJ, Miscellaneous Precedents, Vol 3, fo 208, Divided Sittings (Tuesday and Friday), undated

[171] "Control of supply", pp.131–32; TNA, CAB 37/58/80, The Question of Double Sittings, Note by Balfour, 19 Aug. 1901

business would largely be confined to evening sittings, and the proportion of time available to government would increase after Whitsun. The rationale for the change was clearly set out by Balfour:

> "The present system is indefensible. By the Standing Orders private Members have certain days allowed to them which, under modern conditions, have constantly to be taken for Government business … Every time such a debate takes place three or four hours of valuable Parliamentary time are … absolutely wasted, in the repetition of speeches which have been made and answered hundreds of times before. It would be an immense advantage if we could devise a Standing Order dealing with this matter which would not require to be torn to pieces three or four times in the course of every Session."[172]

This proposal formed part of a much larger package of procedural reforms, concerning not only times of sitting, but disciplinary powers, precedence for matters of parliamentary privilege, limitations on the length of question time, private business, adjournment debates as well as a host of relatively minor procedural reforms, some suggested by Milman, for example in relation to the creation of a post of Assistant Chairman of Ways and Means.[173] The instructions for the reform package were prepared by Balfour's private secretary, Jack Sandars, and—perhaps in part due to Milman's illness—Sir Courtenay Ilbert, First Parliamentary Counsel, was approached to draft the new and amended Standing Orders.

Ilbert supplied a draft proposal on precedence on 12 December 1901.[174] On 17 December, Balfour was in a position to share the consolidated proposals with Commons cabinet colleagues. The proposal had been modified somewhat, with Friday envisaged as a full sitting day, and Wednesday remaining the short day, the start time switched to 2.00pm and first moment of interruption at 7.15pm. Balfour's proposal at this time was also that only business questions and urgent questions were to be taken at 2.25pm, with other questions to Ministers to be taken between 7.15pm and 8.00pm or, if not then reached, towards the end of the evening sitting. The draft rule Balfour circulated was as follows:

> "Unless the House otherwise direct, Government business shall have precedence at every sitting except the evening sittings on Tuesday and Friday, and the sitting on Wednesday, and at the evening sittings on Tuesday and Friday notices of motion shall have precedence of Orders of the Day.

[172] TNA, 37/58/98, Note by Walrond, 16 Oct. 1901; TNA, CAB 37/59/113, Reform of Parliamentary Rules, Note by Balfour, Oct. 1901; Chester, *Questions*, pp.51–57

[173] PCJ, Miscellaneous Precedents, vol 3, fos 122–125, Memorandum, undated

[174] PCJ, Reform of Parliamentary Procedure 1902 (hereafter "1902 Reform"), Draft Rules, 12 Dec. 1901, p.2

> After Whitsuntide, Government business shall have precedence at all evening sittings [except Fridays], and at all Wednesday sittings except the first two."

The precedence proposal was integral to the proposals for changed sitting hours and double sittings. Indeed, the switch of the standard sitting time to 2.00pm arguably necessitated changes relating to precedence, because the earlier start removed the long-established tool for the government to gain precedence by proposing morning sittings on Tuesdays or Fridays.

A new draft of the proposals was circulated to cabinet on 20 January 1902. The new sitting times were now proposed for Monday to Thursday, with Friday sittings starting at noon and continuing until 6.00pm, with a moment of interruption at 5.30pm. Tuesday evenings were reserved for private members' motions until Easter; Wednesday evenings were available for private members' motions until Whitsuntide; Fridays were available for private members' bills up to and including two Fridays after Whitsuntide.[175] Further tweaks to the arrangements for Fridays were made in subsequent drafts, with a final decision to reserve the third and fourth Fridays after Whitsun for private members' bills.[176]

"Too sad for words": Milman's retirement and death

Although still ill, Milman was consulted on the procedural reforms, and perhaps somewhat frustrated that the drafting had been assigned to an outsider rather than a clerk. On 16 December 1901, he wrote to Ilbert:

> "When you can spare time I should like to suggest … amendments to your draft. There are a flood of new words introduced into the Standing Orders".[177]

On 20 December, Milman wrote again to Ilbert, this time expressing sympathy for the drafting challenge and perhaps hinting at his awareness of Sandars's involvement: "I was quite sure that some of the language is not yours".[178] On 26 December, Milman sent his suggested changes, commenting that he had decided that he "would wait until after Xmas day to trouble you with my criticisms". Although he suggested drafting changes, he indicated that he thought the government was quite right in its approach to tackling obstruction and hoped that the reforms would be agreed to.[179] He made a

[175] PCJ, 1902 Reform, Provisional Reprint, 20 Jan. 1902

[176] PCJ, 1902 Reform, Provisional reprint, 23 Jan. 1902; PCJ, 1902 Reform, Provisional reprint, 28 Jan. 1902

[177] PCJ, 1902 Reform, Milman to Ilbert, 16 Dec. 1901

[178] PCJ, 1902 Reform, Milman to Ilbert, 20 Dec. 1901

[179] PCJ, 1902 Reform, Milman to Ilbert, 26 Dec. 1901; PCJ, 1902 Reform, Notes by Mr A Milman on Draft Standing Orders

number of drafting suggestions, focused on terminology and the operation of some of the new rules.[180]

As he was later to tell Harcourt, until the beginning of December, Milman "had not abandoned all hope" of a recovery in his health, but thereafter rumours surfaced of Milman's likely resignation.[181] No later than 9 January, Milman decided that he could not continue as Clerk, and he wrote to Salisbury to resign. Salisbury replied on that date:

> "I am very sorry to hear that it is your intention to retire from your Office—and still more that your resolution is due to a failure in your health. I cannot be surprised at the resolution it has suggested, however much I may lament it. I will of course lay your letter before His Majesty."[182]

The news came out a couple of days later, one newspaper noting:

> "In view of the uncertain character of Mr Milman's health last Session few will be surprised. Regret, on the other hand, will certainly be widespread, for Mr Milman … has enjoyed the high esteem of members on both sides of the House."[183]

Milman did little to disguise his own regret. On 15 January, he wrote to Ilbert "To me it is too sad for words".[184] He subsequently wrote to Harcourt that "I am heartbroken at having to go, but … I could not do my work as it ought to be done."[185] On 16 January, Milman's resignation was announced to the House on the first day of the Session, his letter to the Speaker stating that he was "compelled by prolonged illness" to do so, and did so with "the deepest reluctance and regret" because his service to the House had "formed the chief interest and greatest pleasure of my life".[186] The traditional tribute motion was agreed to on 20 January, with Balfour announcing the expedited award of a knighthood.[187]

There were suggestions in press coverage of his retirement that Milman planned to write some reminiscences of his career, but within days he remarked that "I don't know that I shall be able to get the book done". He told Harcourt that "my hold on life is precarious", and was also blunt on the matter in press interviews which took the place of published reminiscences. To one he said,

[180] PCJ, Reform of Parliamentary Procedure, fos 66-77 (but some errors in numeration)

[181] Bodl Lib, Harcourt MS 243, fos 70–70v, Milman to Harcourt, 16 Jan. 1902; *Westminster Gazette*, 20 Dec. 1902, p.1; *Birmingham Daily Post*, 21 Dec. 1901, p.4

[182] Milman MS, Salisbury to Milman, 9 Jan. 1902

[183] *Westminster Gazette*, 11 Jan. 1902, p.5

[184] PCJ, 1902 Reform, Milman to Ilbert, 15 Jan. 1902

[185] Bodl Lib, Harcourt MS 243, fos 70–70v, Milman to Harcourt, 16 Jan. 1902

[186] HC Deb, 16 Jan. 1902, cols 62–63

[187] HC Deb, 20 Jan. 1902, cols 322–23

"I have but very little water under my keel, and I might touch ground at any moment".[188] The journalist who conducted this interview later observed that Milman "was fully prepared for the worst" and had "constantly expected the end". The words just cited "were spoken with the firm conviction of one who anticipated his call for the last journey of all, and was prepared with quiet courage to meet it". The writer described it as "unspeakably sad to hear the words … for one knew how the strenuous spirit of the invalid burned for active work". At this last interview, Milman was evidently "very ill", "needing the comforting support of cushions all around him".[189] Early on the morning of 14 February, still in his residence, Milman died in his sleep from heart failure.[190]

Milman died with his post unfilled. Jenkinson had become Clerk Assistant upon Milman's promotion and deputised for him for much of his clerkship, but the health failings which were to lead to his own death in May 1902 effectively excluded him as a candidate.[191] Sandars, was mooted as a possible successor to Milman, but Balfour could hardly have been unmindful that the selection of Sandars "would probably not pass without the ugly word 'job' being heard".[192] Balfour consulted on the appointment, with Harcourt for one urging an internal appointee.[193] William Gibbons, the Clerk of Public Bills, emerged as a possible internal candidate, but doubts were entertained about his lack of table experience, his age (62) and his possible disinclination for the role.[194] On 7 February, it was announced that Milman's successor would be Sir Courtenay Ilbert. Within the constraints of the situation, this was an inspired choice. Ilbert's political sympathies were known to be opposed to those of the Government, so that Balfour could not be accused of bias. Ilbert would no longer be required to draft Balfour's Education Bill, and it was known that "his political sensitiveness will suffer less violence than in the task of drafting Conservative Bills". In addition to his work on the package of procedural reforms then before the House, he had recently authored a study on *Legislative Methods and Forms*, so that, while he might never acquire the depth of procedural knowledge of his

[188] Bodl Lib, Harcourt MS 243, fos 70–70v, Milman to Harcourt, 16 Jan. 1902; *The Sketch*, 12 Feb. 1902, p.18; *Black & White*, 8 Feb. 1902, p.14; R de Cordova, "Illustrated Interviews: The late Sir Archibald Milman KCB, Clerk of the House of Commons", *The Strand Magazine*, Apr. 1902 (hereafter Strand interview), pp.373–79

[189] *Black & White*, 22 Feb. 1902, pp.8–10

[190] *London Evening Standard*, 15 Feb. 1902, p.6

[191] *The Times*, 28 May 1902, p.12; *Sheffield Daily Telegraph*, 28 May 1902, p.9

[192] *Birmingham Daily Post*, 21 Dec. 1901, p.4; *Norfolk Chronicle*, 18 Jan. 1902, p.7; *Pall Mall Gazette*, 23 Jan. 1902, p.7; *Manchester Evening News*, 28 Jan. 1902, p.3

[193] BL, Add MS 49696, fos 292–93v, Harcourt to Balfour, 30 Jan. 1902

[194] *Yorkshire Evening Post*, 21 Jan. 1902, p.7; *Pall Mall Gazette*, 23 Jan. 1902, p.7; *Aberdeen Press and Journal*, 7 Feb. 1902, p.5

three predecessors, he would command the near universal respect of members and be well-placed to help navigate the constitutional challenges that lay ahead of the House of Commons.[195]

"A sort of contract": adoption and legacy of the precedence rule

A journalist who had interviewed Milman shortly before his death wrote in late February:

> "The new rules as to procedure, with which Sir Archibald has had so much to do, were just coming before the House, and he was longing to be in his old place to see them through. For he was a firm believer in the necessity for their adoption."[196]

Although it was widely known from early December 1901 that the government was preparing procedural reform proposals, much of the detail was not known, and attention focused on the changes to sitting hours and the proposals relating to questions.[197] Balfour described his proposals in a statement to the House on 30 January in considerable detail, starting with some of the most minor, so that *The Times* suggested he was in danger of "not seeing the wood for the trees".[198] The speech nevertheless ensured that the package as a whole was well-received. The proposal on precedence was framed within the context of the ambition to give "certainty" to public business, through "such a general plan as should relieve us from the necessity of constantly coming to the House and asking the House to give us further facilities for business". He did nothing to disguise his despair at the motions and debates necessitated by the mismatch between the formal allocation of government time and that which it required:

> "It must come for more time; and the result is that the arrangements of private Members as regards their Motions and Bills are thoroughly upset … That is an intolerable position, and I for one am perfectly sick of such debates. I know all the speeches that are made upon them. I am bored with them all, including my own."[199]

Under Balfour's proposed scheme, private members would have two evening sittings up to Easter and one evening sitting between Easter and Whitsuntide

[195] ODNB, Ilbert, Sir Courtenay Peregrine; *Westminster Gazette*, 8 Feb. 1902, p.4; A Fitzroy, Memoirs (London, 1925, 2 vols), I.74; W R McKay, ed, *Erskine May's Private Journal* 1883–1886 (London, 1984), pp.xxii–xxiii; F. Pollock, 'Sir Courtenay Peregrine Ilbert, GCB, 1841–1924', *Proceedings of the British Academy*, (1924–25), 441–45; *Daily Telegraph*, 16 Mar 1921, p.6

[196] *Black & White*, 22 Feb. 1902, pp.8–10

[197] *Birmingham Daily Gazette*, 3 Dec. 1901, p.4; *Birmingham Mail*, 10 Dec. 1901, p.3; *Western Times*, 6 Jan. 1902, p.2; *Norwich Mercury*, 25 Jan. 1902, p.5

[198] *The Times*, 31 Jan. 1902, p.7

[199] HC Deb, 30 Jan. 1902, cols 1363–64

for motions plus Friday sittings—in place of Wednesday sittings—for Bills until Whitsuntide, as well as the third and fourth Fridays after Whitsuntide. Private members would know with certainty the days allocated to them, because the government "ought to be content with that amount of time through the session" and so the operation of the ballots and of days set down for private members' bills would have "reasonable security".[200] His aim, as he later put it, was thus "to make their practice accord with their theory".[201]

The debate on the precedence motion did not begin until April 1902, but its merits were discussed in a general debate on the package in early February and during proceedings on the changes to sitting hours. On 6 February, Campbell-Bannerman as Leader of the Opposition enunciated a clear critique of the precedence proposal, as part of a series of reforms motivated by efficiency and convenience, but which undermined the effectiveness of the House and having "the effect of placing the House of Commons more and more at the mercy of the Government of the day". Although he accepted that the time available to private members' had shrunk over time, he saw the proposals to "meddle with the apportionment of Parliamentary time" as the most important and the most questionable of Balfour's proposals, questioning in particular the excessive detail in the division of the House's time.[202] The Irish Nationalist Leader, John Redmond, argued that their effect was "to practically abolish private members by making the Government master of the whole available time of Parliament".[203]

The proposal had Unionist backbencher supporters. Charles Cripps thought that it was consistent with business-like principles for the House to "know beforehand, as nearly as possible, what we have to do and the special time allocated for doing it". Another, James Lowther, welcomed the proposal to put an end to current arrangements, which were "practically Parliamentary anarchy, as nobody knew when the strong arm of the Government would come down and confiscate the opportunity of the unofficial members".[204] Support was not confined to the government side of the House. The senior Liberal Henry Fowler enunciated the rationale for the change as clearly as anyone, saying that the proposals formed

> "a sort of contract between the Government and the House of Commons for securing that a larger portion of time should be placed at the disposal

[200] HC Deb, 30 Jan. 1902, cols 1367–68. See also HC Deb, 6 Feb. 1902, cols 629–30 and HC Deb, 18 Feb. 1902, cols 403–04

[201] HC Deb, 10 Apr. 1902, col 1518

[202] HC Deb, 6 Feb. 1902, cols 550–59

[203] HC Deb, 6 Feb. 1902, col 591

[204] HC Deb, 6 Feb. 1902, cols 624, 633

> of unofficial Members … The way I read the Rule is that the grabbing and grasping of the time of unofficial Members, which sometimes takes place very early in the session, is to come to an end; that unofficial Members are to have the time of the House left to them during certain periods of the session, without its being infringed upon by the inexorable demands of Supply, and that they are to have certain nights absolutely secured to them."[205]

The resolution was debated over three days between 8 and 11 April. The amendments proposed to the text fell into four main categories. Some made changes to clarify the operation of the rule and provide that additional government sittings after Whitsuntide did not apply to autumn sittings; these amendments were agreed to without division.[206] A second category sought to switch the sittings reserved for private members' and government business without affecting the overall balance; these were all rejected, although one to move private members' bills to Thursday afternoons, leaving the short sitting on Fridays for Government business, was supported by a number of Unionists and the Government majority fell to 29.[207] The third category consisted of 6 amendments which sought to reduce the time to be allocated to the government and increase that for private members; each of these was defeated with more comfortable majorities.[208]A fourth, miscellaneous category included amendments which sought to regulate business in more detail or require extended notice of motions to diverge from the terms of the Standing Order, all of which were defeated.[209]

During debate on the amendments, Campbell-Bannerman argued that the crux of the issue was the method by which the government secured precedence, whether it was "on the express authority, and by the will of the House of Commons itself" or, if the House

> "accepted the proposal of the Government as it now stood they would part with the control in this matter, and they would hand themselves over to the right hon. Gentleman and his successors without any power or expressing a voice in the matter. There was a great difference … He preferred very much the old-fashioned way that the Government should come forward and make their claim. No Government had ever found the House of Commons

[205] HC Deb, 18 Feb. 1902, col 393

[206] CJ (1902) 138, 142 146; HC Deb, 8 Apr. 1902, cols 1319–20; HC Deb, 10 Apr. 1902, cols 1483–92; HC Deb, 11 Apr. 1902, col 53

[207] CJ (1902) 138, 142; HC Deb, 8 Apr. 1902, cols 1284–318; HC Deb, 10 Apr. 1902, cols 1483–1492

[208] CJ (1902) 138, 139, 142, 146; HC Deb, 8 Apr. 1902, cols 1329–52; HC Deb, 10 Apr. 1902, cols 1460–84, 1511–46; HC Deb, 11 Apr. 1902, cols 23–54

[209] CJ (1902) 138–39, 142, 146; HC Deb, 8 Apr. 1902, cols 1320–30; HC Deb, 10 Apr. 1902, cols 1492–1508; HC Deb, 11 Apr. 1902, cols 54–62

> unreasonable in that matter, and they generally had got what they had asked for. They had often had to accept what they had asked for on terms, but that maintained the control of the House of Commons over its own time and the disposal of that time, and that, he thought, was the principle they ought to assert."[210]

Thomas Gibson Bowles similarly argued that the government "always obtained" the time it needed, but should be required to seek "permission" rather than be released "from the necessity of making out a case for taking the whole of private Members' time".[211] Gibson Bowles and others also pointed out that nothing precluded any government from altering the allocation, so that the baseline for subsequent demands was simply being shifted.[212] The resolution was agreed to with a majority of 59.[213]

The resolution came into effect for the 1902 Session on 5 May, the sitting day after that on which the proposals relating to sitting times had also been agreed to.[214] On 1 December, the House agreed that this resolution, along with the others, would be made Standing Orders, with Balfour stating that the provisions had:

> "worked out as intended … private Members had had their right preserved, as he hoped they would have in the future. Nothing that had yet occurred had shaken his conviction that the Government had, in this Rule, as regards private Members rights replaced illusory privileges by rights which were smaller nominally in extent, but were much more likely to be preserved."[215]

The Standing Order introduced in 1902, which remains unchanged in its essentials and embodied in paragraph (1) of Standing Order No. 14, has been seen as having "ended the operation of the Commons as an independent body".[216] However, 1902 was not the year in which government's effective control over the timetable of the House was established. It had long existed; it turned *de facto* control into *de jure* control.[217] Nor did the 1902 Standing Order introduce a reduction in the time actually available to private members or increase that for the government. In the years after the Standing Order was

[210] HC Deb, 10 Apr. 1902, cols 1532–33

[211] HC Deb, 8 Apr. 1902, cols 1341–42

[212] HC Deb, 8 Apr. 1902, cols 1333–36, 1342

[213] CJ (1902) 146; HC Deb, 11 Apr. 1902, cols 67–72

[214] CJ (1902) 71, 204; HC Deb, 2 May 1902, col 594

[215] CJ (1902) 500–01; HC Deb, 1 Dec. 1902, cols 856–903.

[216] I Dunt, *How Westminster Works … And Why It Doesn't* (London, 2024, paperback edn), p.246

[217] On this theme, see also P Seaward, "Standing Order No. 14", Standing Order No. 14 available at historyofparliamentblog.wordpress.com – Reformation to Referendum: Writing a New History of Parliament

introduced, the number of sittings provided for private members remained broadly constant at around 30 per Session, well above the nadir of the 1890s.[218] The contract of which Fowler spoke in 1902 broadly held. The allocation of time remained broadly constant, and much more predictable.[219] The case for requiring distinct resolutions was advanced by Liberal and Unionist opponents of the measure in a principled way, but for Liberal frontbenchers this was a luxury of opposition. Although Balfour's double sittings and early start time were swept away by the new Liberal administration in 1906, they showed no inclination to reverse the 1902 change regarding precedence. Only with the passage of time, and particularly since the early 2000s, has the operation of the rule been systematically called into question.[220]

Conclusions

During the 44-plus years in which Archibald Milman served the House of Commons its procedure and conduct of business were transformed. In the 1890s, Milman wrote:

> "The fact is in the old days almost any thing was allowed to be done, which was done in good faith, unless objection was taken. There was lots of time and as a rule it was very genteel."[221]

He reflected upon some causes of this transformation writing to Lord Randolph Churchill in 1886:

> "When men entered Parliament, anxious above all things, to gain the ear of the House, and dependent for every chance of distinction upon deserving its respect, our old system worked well enough even in Committee."

Now however, many especially, not least Home Rulers and Radicals, "look for support from outside, and absolutely strengthen their political position by outrages perpetrated in the House, the old practice offers too many opportunities for abuse". He thought that "the Irish and the Radicals" wanted to be portrayed as martyrs of free debate

> "in their local papers, where there is no one to give them the lie. Members stand more in awe of their local newspapers and caucus than they do of the general feeling of the House."[222]

Even at the very close of his career, he voiced frustration at Irish tactics,

[218] *Sittings Statistics*, pp.117–119

[219] As noted by Lawrence Lovell as early as 1908: *The Government of England* (New York, 1908, 2 vols), I.312.

[220] C Lee and M Berry, "Taking back control? Initiatives in non-government agenda control in the UK parliament in 2019", *The Table* (2020), pp.55–91

[221] Bodl Lib, Harcourt MSS 190, fos 9–9v, Milman to Harcourt, 2 June 1893

[222] CUL, Add Ms 9248/17/2012, Milman to Churchill, 13 Nov. 1886

observing that "the fight has always been a strenuous, but fair one between the parties in the House, except the Irish tactics". He suggested that "With the advent of Parnell came a great alteration. His peculiarity was that he opposed everything—Government business and Private Bills as well". Milman did admit to some grudging admiration of Parnell:

> "He was very clever and very industrious in finding out specious things to fight. He was a very clever man; his industry was phenomenal and his influence enormous."[223]

Although Milman's career had been punctuated by differences with Parnellites and Irish Nationalists, he was heartened by the support he received from Irish MPs when his ascent to the role of Clerk was briefly in doubt. He must also have taken pleasure in telling Harcourt the following anecdote in his final days:

> "Would it interest you to know that Parnell approached me in confidence to know if I would undertake the office of Clerk of the Irish Parliament."[224]

Given his analysis of the difficulties the House faced, Milman was far from a conservative on procedural matters. As he put it to Harcourt in 1893, "The fact that a thing has been done before, or in other words that there is a precedent, does not make its repetition right."[225] Milman's restless energy was channelled into many proposals for procedural reform. Some of these had limited influence in his own lifetime, including his proposals to involve select committees in the consideration of Estimates, his suggestions for advance timetabling of Bills, his proposals for carry-over of Bills and his proposals to replace the ballot for private members' motions with a system based on the agreed priorities of backbenchers.[226] However, Milman's proposals and drafting undoubtedly influenced the new closure rule developed by Churchill and implemented by Smith, the proposals for the control of time in Supply introduced by Balfour in 1896 and several elements of the 1902 reform package, perhaps most notably the provisions for clear scheduling and priority for government and backbench business.

Milman's legacy is hidden in the shadows of his more illustrious predecessors, Erskine May and Palgrave, and the long and influential clerkship of Ilbert that followed. Much of Milman's influence was exercised behind closed doors, advising Speakers and Leaders or preparing forthright memoranda for private consumption. As one obituary put it,

[223] *Black & White*, 8 Feb. 1902, p.192

[224] Bodl Lib, Harcourt MS 243, fos 70–70v, Milman to Harcourt, 16 Jan. 1902

[225] Bodl Lib, Harcourt MSS 190, fos 9–9v, Milman to Harcourt, 2 June 1893

[226] "Failure"; "Crisis"; PCJ, Miscellaneous Precedents, Vol 4, fos 89–89v; PCJ, Miscellaneous Precedents, vol 3, fo 108, Arrangement of Business other than Gov[ernmen]t Business; HC Deb, 6 Feb. 1902, col 631

> "Sir Archibald Milman was one of the great clerks of Parliament, a man who influenced the work of government more than the general public can have any idea of."[227]

His final ascent to the clerkship for which he had waited so long was followed by the onset of serious ill-health which prevented him establishing a lasting legacy of the kind for which he might have hoped. As Balfour so aptly put it on 20 January 1902, Milman's "life was spent in the service of this House, his whole energies were absorbed by it, he lived in it and he lived for it".[228]

[227] *Western Mail*, 15 Feb. 1902, p.4
[228] HC Deb, 20 Jan. 1902, col 322

'EVIDENT INJURY': MARRIAGE, PATRONAGE AND THE CRISIS OF THE CLERK'S DEPARTMENT, APRIL 1812–JULY 1814

COLIN LEE CB
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Introduction

On Tuesday 1 March 1814, an anonymous letter appeared in *The Morning Chronicle*. Addressed to John Hatsell, the Clerk of the House of Commons, the author sought to draw Hatsell's attention to an "unjust act" which "tended to the injury of those who are under your protection". The letter claimed that offices held by the "out-door Clerks"—the term used for salaried positions in the Clerk's Department other than those of the table clerks—had, "from time immemorial, been filled according to seniority, and that, in cases of death, the Clerk next in turn succeeded to the vacancy". This meant that clerks, many of whom had worked in the House "upwards of twenty years (and some of them more than double that time)" had "a confident expectation that they were, in cases of vacancy, to be promoted according to seniority" so that clerks "were looking forward to Promotion as the only prospect of being rewarded, in the decline of life, for their long and faithful services".[2] However, this practice had not been followed when George White—who had held the post of Clerk of Elections and Privileges since 1788, and been sole post holder since 1793[3]—had died. John Ley, Hatsell's Deputy, "instead of looking to the right of seniority pursued by you, and established by immemorial usage, had thought it proper to appoint his nephew (a total stranger at the House of Commons) to fill the office held by Mr White". The author opined that the appointment of Ley's nephew was a decision taken "to the evident injury of every Clerk belonging to the House". To make matters worse, while others had been "grievously injured" by the departure from the principle of seniority, the new appointee had "no other pretension than through family connection, having, if my information is right,

[1] The author is grateful to Peter Aschenbrenner, Chloe Challender, Dr Stephen Farrell and Dr Paul Seaward for comments on earlier drafts of this article.

[2] *Morning Chronicle*, 1 March 1814, p.3. All newspapers cited have been accessed via the British Newspaper Archive.

[3] O C Williams, *The Clerical Organization of the House of Commons 1661–1850* (Oxford, 1954), pp.105, 283; W R McKay, *Clerks in the House of Commons 1363–1989* (House of Lords Record Office Occasional Publications, 1989) (hereafter McKay, *Clerks*), p.99

lately married your niece".[1]

This published letter highlights some of the wider impact and consequences of the marriage which took place in early July 1812 between William Ley, John Ley's nephew, and Fanny Hatsell, John Hatsell's niece. A previous article examined the first two months of the courtship of William and Fanny and how that courtship interacted with matters of patronage in the Clerk's Department,[2] but the key elements of the context for what follows are set out again here. William Ley had proposed marriage to Fanny Hatsell—by means of a letter handed to Fanny by William's sister, Mary Harris—on 13 February 1812, after a brief courtship which had been initiated by Fanny. William respected Fanny, but was motivated to pursue the match in part because he, along with other members of his family, had concluded that this would be the best way to secure a position for him in the House of Commons. In 1811, William's uncle had tried and failed to secure for William the reversion of the next vacancy at the table. Both William and Fanny believed that the commitment to marriage would be followed by Hatsell offering him that reversion. At a series of meetings Hatsell held separately with J H Ley, William's eldest brother and the Second Clerk Assistant,[3] and with William in February and March, the Clerk of the House held firm to the line that he could not offer William the next vacancy that arose at the table, because of an undertaking given to Charles Abbot, the Speaker of the House of Commons, that Hatsell would accept Abbot's nominee for that vacancy. Hatsell proposed instead that William should become a "supernumerary" clerk, learning the ropes from his uncle, and acting as a temporary substitute during any absence from the table of his uncle, brother or the Clerk Assistant, Jeremiah Dyson. However, with Fanny's support, William had rejected this offer. With no clear path to preferment open to him, William had agreed with Hatsell that the matter would remain "in abeyance" until his father's planned journey to London in April.[4]

Amanda Vickery has observed that a "crisis of doubt" was not unusual during courtship among the genteel of Georgian England, given the "enormity

[1] *Morning Chronicle*, 1 March 1814, p.3

[2] "'Young Lady and Place': Courtship and Clerkship, January–March 1812" (hereafter "Young Lady and Place"), *The Table: The Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments* (hereafter *The Table*), Vol 92 (2024), pp.137–167

[3] In this article, John Ley, the Deputy Clerk, is generally referred to as Ley, and his eldest nephew is generally referred to as J H Ley.

[4] "Young Lady and Place", pp.140–66. For the attempt to engineer a vacancy for William as a clerk at the table in 1811, see C Lee, "'While the sun shone': Hatsell, Ley and the problems of patronage, 1802–1812", in *The Table*, Vol 91 (2023), pp.110–138 (hereafter "Sun Shone"), at pp.123–131.

of the commitment" entailed by marriage.[5] Such a crisis of doubt was all too evident in William's letters to his father and his brother Henry in the second half of March 1812 as he faced up to the possibility of having no guaranteed or even probable preferment in return for marrying Fanny.[6] Decisions on marriage necessarily involved an interplay between sentiment and prudence. William, after interrogating his own feelings, did not find that his view of Fanny had blossomed from admiration into love. For him, therefore, considerations around wealth and status remained to the fore in his mind.[7]

Fanny, in contrast, had been unwavering in her commitment to the marriage. This was a time of great excitement and opportunity for Fanny, but also great jeopardy. She was 28 years old in the spring of 1812, well beyond the average age of marriage for women. Her father's health was fragile, and his death would remove the person expected to be the leading representative of her interests in the marriage negotiations. In addition to her own personality and accomplishments, she had two additional assets in the marriage market—her control over £20,000 of government bonds gifted by her uncle, which provided an annual income of £600, and her uncle's powers of patronage. William was appealing as an individual, but appealing also as someone ideally placed to benefit from Hatsell's patronage. However, many courtships did not end in marriage, and, as was generally the case for women compared with men in this situation, the damage to Fanny if the marriage did not take place would be far greater than for William.[8]

The present study begins by examining the concluding phase of the courtship, again demonstrating the complex interaction between the sentiments of the principals and matters of money and professional position. Next, it explores the negotiations about the marriage settlement—a legal agreement between the parties to establish a trust designed to avoid the consequences of the common law for both husband and wife.[9] These negotiations demonstrated the fragility of Fanny's position despite her wealth. That part of the article concludes by offering reflections about the courtship and marriage more generally.

The article then turns to some of the wider repercussions of the marriage for the Clerk's Department. It explores the background to the decision by Abbot in

[5] A Vickery, *The Gentleman's Daughter: Women's Lives in Georgian England* (New Haven and London, paperback edition, 1999), p.53

[6] "Young Lady and Place", pp.162–66

[7] S Holloway, *The Game of Love in Georgian England: Courtship, Emotions, and Material Culture* (Oxford, 2019), pp.9–10; A Macfarlane, *Marriage and Love in England—Modes of Reproduction 1300–1840* (Oxford, 1986), p.321; "Young Lady and Place", pp.162–66

[8] "Young Lady and Place", pp.140–44, 147–50, 166–67; Holloway, *Game of Love*, pp.118, 139–42

[9] S Staves, *Married Women's Separate Property in England*, 1660–1833 (London, 1990), p.10

1813 to nominate John Rickman, the Speaker's Secretary, for the next vacancy for a clerk at the table. Next, the article considers the events of 1814 following William's appointment as Clerk of Elections and Privileges. Alongside the fissures exposed by the letter in *The Morning Chronicle*, that appointment brought to a head the deteriorating relationship between the two Leys who served at the table—John Ley and J H Ley—and the Speaker. The article then examines the arrangements put in place following Ley's death in June 1814, before concluding with assessment of the legacies of the Leys and of Hatsell for the clerkly profession.

"The Speaker had stated objections": the last attempt at place

In the second half of March, as tensions increased between Hatsell and the Ley family in London, the Leys set much stall on the imminent arrival in London of William's father, Henry, from the family home in Devon. Their father was seen by Mary as more capable of negotiating with Hatsell and, if appropriate, with Henry's brother, the Deputy Clerk. In writing to J H Ley in late March, Henry had promoted the case for a "calm Conversation" with Hatsell, along with "endeavours to conciliate", rather than "any strong assertion of right … when the Powers against us, are likely to be formidable".[10] Henry Ley travelled to London with his wife, also Mary, and the fourth Ley sibling, the reverend Henry, rector of the family parish of Kenn.[11] In consequence of this exodus from Devon, the correspondence between family members ceased. The next stage of the drama must therefore be reconstructed from some references in Abbot's diary, and correspondence between the Ley and Hatsell families, and their lawyers, and associated legal papers, in connection with the marriage settlement.

Soon after his arrival in London, on 13 April, Henry Ley had a meeting with Hatsell. According to the account given by Hatsell to Abbot the next day, as recorded by Abbot, Henry sought to probe the nature of the Speaker's objections to William's appointment as a table clerk. From Abbot's record of his meetings with Hatsell on 14 and 15 March, it is evident that these related to the principle of two brothers serving together, but Hatsell had not felt at liberty to share the nature of the objections with William on 16 March.[12] In reply to Henry, Hatsell confirmed what he had previously vouchsafed to William,

[10] Devon Heritage Centre (hereafter DHC), 2741M/FC9/11a–11b, Mary Harris to Mary Ley, 1 Apr. 1812; DHC, 2741M/FC9/2c, draft of Henry Ley to J H Ley, 23 Mar. 1812

[11] DHC, 2741M/FC9/10a–10b, William Ley to Henry Ley, 1 Apr. 1812; DHC, 2741M/FC9/11a–11b, Mary Harris to Mary Ley, 1 Apr. 1812

[12] The National Archives (hereafter TNA), PRO 30/9/35, Charles Abbot, Journal with interpolated correspondence, etc, 1811–1816, fo 137; "Young Lady and Place", pp.160–62

namely Abbot's initial willingness to relieve Hatsell from the undertaking given to the Speaker to make the next nomination to a vacancy at the table: "The Sp[eake]r had very handsomely said that in such a case he should not interfere to prevent Mr Hatsell from doing what he thought proper". However, Hatsell also restated what he had told William: first, "that the Speaker had stated objections, ag[ains]t which He Mr Hatsell could not act"; second, that Hatsell was unwilling to elaborate on the nature of them—"That those object[ion]s he should not undertake to report, he might not do justice either to the substance, or the words; he must therefore decline to enter into them".[13]

At the meeting on 13 April, Henry also asked whether Hatsell would agree to have a further meeting on the subject with J H Ley. Hatsell repeated the same objections that he had voiced to William on 16 March:

> "As to seeing Mr John Ley again, it was unnecessary, all had been said that the Subject had allowed of, they had not parted very good friends then, & might be worse next time".[14]

By way of riposte, Hatsell suggested that Henry's brother, the Deputy Clerk, should meet the Speaker on the subject. Henry's reply was "No—Nothing he was sure would persuade his Brother to enter upon the subject with The Speaker".[15] This response reflected either the difficult relationship between Abbot and Ley, or Ley's reluctance to become further involved with the marriage negotiations, or a combination of both.

This meeting effectively terminated the efforts by the Leys to secure the next appointment to a vacancy at the table for William that had begun in the summer of 1811 and had been at the centre of much of the heated dispute with Hatsell in February and March 1812 following William's proposal of marriage to Fanny. From this point onwards, the focus was on the more usual staples of marriage negotiations—the money to be provided for each party, and the terms of a marriage settlement. These negotiations were made more difficult by contrasting perspectives on the financial positions of the two families, in particular William's assessment of Hatsell's finances, and Hatsell's view on Ley's.

"He might bring something about": differing expectations about money

William was of the view that Hatsell had both the financial capacity and an effective obligation to bring more money to the table having rejected the idea of William securing a reversionary interest in a table clerk post:

> "certainly he might bring something about, without the place, if he came

[13] TNA, PRO 30/9/35, fo 137

[14] TNA, PRO 30/9/35, fo 137; "Young Lady and Place", p.160

[15] TNA, PRO 30/9/35, fos 137–138. For earlier evidence of that deterioration, see "Sun Shone", pp.129–31.

forward to increase her fortune—so as to make us up a tolerable handsome Income".[16]

Fanny, on the other hand, "was sure" that Hatsell would not be willing to increase the amount he provided to her, as he would not do so without matching increases in the amounts provided to her elder sister Penelope and her younger brother Henry. Fanny's commitment to the marriage was such that she contemplated the possibility of living in London on £600 a year with stoicism, but William was less sure, telling his father:

"had she [£]4 or 5000 a y[ea]r why then it would do very well—but with only 600—which is but a scanty pittance, & without a probable certainty of the place, I must still say, that I am richer, & perhaps shall be happier, with any little income that yourself & Uncle may give me, & run chances of what may turn up, than in entering on this."

He went on: "the real part of the misfortune is that I am not sufficiently in love and the Article altogether is not of sufficient value, to do it, without a proper portion".[17] Furthermore, the money had become a touchstone for William in assessing whether Hatsell was really "anxious & very desirous to bring" the marriage about. Ahead of his father's planned meeting with Hatsell, he wrote:

"unless when you see Mr H he comes forward in manner you think liberal & handsome, & holds out fair expectation of the situation, unless he does so, it had better be broke off—as I do not conceive that my sentiments towards the lady, with only her [£]600 per an[num] would at all make it desirable for me to alter my present situation".[18]

Even before it became central to discussions on the marriage between William and Fanny, money had played a pivotal role in the deterioration of the relationship between Hatsell and his Deputy.[19] Since 1797, Hatsell had agreed to divide his income as Clerk of the House equally with Ley. This meant that he knew to the penny how much money Ley had received, and felt able to form judgments about how he used it. Hatsell prided himself on his generosity, towards his own family and to others, in part because he was embarrassed by the extent of his own earnings. In 1806, he described himself as being "undeservedly possess[e]d of a very large Income".[20] At his meeting with J H

[16] DHC, 2741M/FC9/7a–7b, William Ley to Henry Ley, 25 Mar. 1812

[17] "Young Lady and Place", pp.162–63; DHC, 2741M/FC9/7a–7b, William Ley to Henry Ley, 25 Mar. 1812

[18] DHC, 2741M, FC9/9a–9c, William Ley to Henry Ley, 29 Mar. 1812

[19] "Sun Shone", pp.119–121

[20] P J Aschenbrenner and C Lee, *The Papers of John Hatsell*, Camden Fifth Series, Volume 59 (Royal Historical Society, Cambridge, 2020) (hereafter *Hatsell Papers*), pp.6–8, 134–35

Ley in mid-February, Hatsell

> "entered into a discussion on the inutility of Riches and that Mr Ley had had a great deal of Money from the Office, and that he wondered at his wishing for more".

J H Ley pointed out that "the same Argument applied to" Hatsell, who replied:

> "that he did not care any thing about Money, & had given away £1800 a year to his Nephews & Nieces, however although he despised Riches in itself he did not say he should resign any of the present profits of the Office".[21]

Hatsell's frustrations with Ley's attitude to money spilled over during his conversation with Abbot on 14 April. Hatsell decided to give Abbot, who was fiercely conscious that the income of the Clerk of the House exceeded his own and had risen when his had remained static, an exact account of Ley's income since 1797:

> "Hatsell told me that he had out of curiosity cast up the amount of the money which he had turned over to Ley since 1797—and it amounted to £84,000".

The reason why Hatsell had vouchsafed this information to Abbot was then made clear:

> "out of which he thought Mr Ley might very well make some provision for his Nephew answerable to the fortune which He Hatsell had given to his own Niece".[22]

If Ley were to set aside £20,000 as Hatsell had, the young couple could expect an annual income of about £1,200, assuming the Ley commitment also took the form of government stock.

Ley's outgoings appeared to be sparing. He was unmarried. He shared his official residence at Westminster with his eldest nephew and family, who could be expected to make a contribution to living expenses. He spent parliamentary recesses largely at the family house at Trehill. Although Henry had a legal practice alongside management of the family estates in Devon, it seems likely that Ley made a major contribution to the amounts provided to J H Ley and Mary as part of their marriage settlements—£10,000 and £5,000 respectively—and both amounts were known to Hatsell, as J H Ley had revealed them, perhaps inadvertently, in their heated conversation on 14 March.[23]

There are two possible explanations for what Hatsell saw as Ley's parsimony. First, Ley could advance the same position that Hatsell himself adopted, that any increased generosity to one nephew would impose matching obligations with respect to his other two nephews and his niece. More importantly, Ley had

[21] DHC, 63/2/11/18, J H Ley to Henry Ley, 16/17 Feb. 1812

[22] TNA, PRO 30/9/35, fo 138

[23] "Young Lady and Place", p.156

clearly decided that he wished most of his wealth to pass to his brother, and thus to the family estate at Trehill. William reported to his father that Ley had said:

> "That thro' Gods goodness there was enough, that you was his object, who w[oul]d have the disposal of all, & that you were deserving of it (which you will do me the justice to believe I did not dissent from)".[24]

Thus, while Hatsell was focused on his nephew and nieces, Ley was focused on his brother. Hatsell's expectation that Ley might provide additional financial support to the young couple was frustrated, adding to the tensions clouding the subsequent negotiations.

"Anxious to form this Connection": the commitment to negotiate a settlement

Fanny's commitment to the marriage had remained unswerving since she had accepted William's proposal. William had fluctuated greatly in his feelings, considering in mid-March both that he could withdraw his offer with honour and that he would not come to a final decision on whether to proceed with the marriage until his father came to London. After William's father held his meeting with Hatsell, the young man decided that he did wish to proceed. Henry confirmed in a letter to Hatsell in early May that he believed that the couple were "anxious to form this Connection".[25] In a letter to James Hatsell, Fanny's father, a few days later, Henry set out the position as he saw it. He began by recollecting that the courtship had begun with high hopes for professional advancement which had since been dashed: "When he first ventured to endeavour to gain the affections of your Daughter, he had much fairer prospects before him than exist at present". Henry reported that William nevertheless wished to proceed:

> "but from a sense of Honor, & the purest Affection to the young Lady (of whom we all entertain the best Opinion, & whom we shall be happy to receive into our Family, with the utmost Cordiality & Affection) he has & still pursued his Object, notwithstanding the Checks which he has met with, being willing to run all chances with her, & trusting that even with the limited means they may have, they may live happily together, if they sh[oul]d be shut out from any other resource."[26]

However, this was not itself conclusive, as it only opened the way to the next stage—negotiating the marriage settlement, which, as was increasingly common by this time, was concerned with the distribution of personal property in the

[24] DHC, 2741M/FC9/9a–9c, William Ley to Henry Ley, 29 Mar. 1812

[25] DHC, 63/2/7/4, draft of Henry Ley to Hatsell, undated but probably 4 May 1812

[26] DHC, 63/2/7/4, draft of Henry Ley to James Hatsell, undated but probably 9 May 1812

form of government stocks or cash.[27] The main effect of a settlement in such a case was to override the common law position, under which a husband and wife became one person, and the husband was that person, so that a woman forfeited all common law rights to property.[28] As a contemporary guide to the law of marriage put it:

> "The common law does not allow a married woman to possess any property independent of her husband: Courts of equity, however, have long disregarded this rule, and through the medium of a trustee, allow her to enjoy property, as freely as a feme sole".[29]

A husband was bound in equity to the terms of the settlement, and the equity courts, principally the High Court of Chancery, were often sympathetic to the protection given to women.[30] The marriage settlement made provision for the bride's widowhood along with provision for any children of the marriage.[31] Where a woman brought a fortune to a marriage, as was true in Fanny's case, it was quite common for the settlement to grant the wife "a provision out of her fortune", over which she had "absolute dominion, or power of disposition" during her marriage; this was distinct from "pin money", which was a payment which a husband contracted to make to his wife from his property for out-of-pocket expenses.[32]

The need for a marriage settlement would have been taken for granted by both families. John Hatsell had entered into a such a settlement before marrying the widowed Elizabeth Barton.[33] The Ley family papers contain correspondence relating to five marriage settlements prior to that between William and Fanny.[34] There was an expectation during this period that negotiations on the marriage settlement would be frustratingly drawn out, such that Amanda Vickery has written that "hardly a settlement is mentioned in Georgian social

[27] M R Chesterman, "Family Settlements on Trust: Landowners and the rising Bourgeoisie", in G R Rubin and D Sugarman, eds, *Law, Economy and Society, 1750–1914: Essays in the History of English Law*, pp.124–167, at pp.124, 126–127, 149–150

[28] L Holcombe, *Wives and Property: Reform of the Married Women's Property Law in Nineteenth-Century England* (Oxford, 1983), pp.18, 25, 37, 39

[29] E G Atherley, *A Practical Treatise of the Law of Marriage and other Family Settlements* (London, 1813), p.330. In this context, a "feme sole" means an unmarried woman.

[30] Atherley, *Law of Marriage*, p.330; Staves, *Separate Property*, pp.51–54

[31] Staves, *Separate Property*, pp.95, 98, 113

[32] Atherley, *Law of Marriage*, pp.343, 331, 333; Staves, *Separate Property*, pp.132–36, 140, 147–150, 157–58

[33] The Parliamentary Archives (hereafter TPA), HAT/2/6, Settlement made previous to the Marriage of John Hatsell Esquire and Mrs Barton, 20 Dec. 1777

[34] DHC, 63/2/7, Marriage Settlements, 1707–c 1812

correspondence without comment on the dawdling pace of business".[35]

"Creates an independence in the Wife": the settlement negotiations

Evidence on the negotiations and the matters in dispute is provided by 21 documents, including letters and draft legal agreements, in the Ley family papers.[36] Although much of the initial discussion had been about the scale of the financial contributions from the two families, the subsequent dispute was not principally about the quantum of money to be settled. The Leys had entertained hopes that Hatsell might increase his contribution beyond £20,000, or that James might make a direct contribution. Neither happened. Fanny had made it clear to William that what was left of James's fortune would be devoted to supporting his wife in her widowhood.[37] The Ley family contribution was increased slightly from the sum of £5,000 first envisaged by J H Ley to £7,000, but this did not feature in the correspondence about the negotiations.[38]

It appears that the first proposal for the terms of the settlement was made by Henry Ley in mid-April; the plan was drawn up by a lawyer named Shadwell, but Henry himself was probably closely involved in preparing the instructions for the initial proposal from Shadwell; Henry had a legal practice in Devon and some relevant experience, for example acting, along with his brother, as one of the trustees for Lord Boringdon during that peer's minority.[39] The essential element of the Shadwell proposal would be that all of Fanny's fortune would immediately be transferred to William and vested in him "for Life".[40]

This proposal was unacceptable to the Hatsells, who sought an opinion on the Ley proposal from a lawyer named Drew, who was a friend of the family, having been recorded visiting James's house in January 1812.[41] Drew

[35] Vickery, *Gentleman's Daughter*, p.55

[36] DHC, 63/2/7/4. These documents are bound together in a rather random order, and some are undated. In some cases, the date or sequence has been imputed. Documents are also identified in parentheses by their position in the sequence in the bundle.

[37] DHC, 63/2/11/18, William Ley to Henry Ley, 16 Mar. 1812 (3)

[38] DHC, 63/2/7/4, undated memorandum on fortunes of Miss Hatsell and William Ley (2), which gives the combined value of stock as £27,000, and confirms Fanny's contribution as £20,000.

[39] DHC, 63/2/7/4, Mr Shadwell's Mem[oran]dum of Contents of the Draft, undated (1); Bedfordshire Archive Service, L 30/15/33, correspondence between Frederick Robinson and Henry and John Ley as trustees for Lord Boringdon. Lord Boringdon remained a friend of Henry Ley after he assumed his majority: DHC, 2741M/FC9/3a, William Ley to Henry Ley, 20 Mar. 1812.

[40] DHC, 63/2/7/4, Mr Shadwell's Mem[oran]dum of Contents of the Draft, undated (1)

[41] DHC, 63/2/11/17, William Ley to Henry Ley, 1 Feb. 1812; DHC, 63/2/11/17, Mary Harris to Henry and Mary Ley, 3 Feb. 1812

responded with a very different proposal—that Fanny should retain control of most of her fortune after marriage, then to be available to William after her death and then to any children. Perhaps conscious that Drew's proposal might be unacceptable to Henry Ley, the Hatsells then sought a second opinion from another lawyer called Thomas Ludby, who was a friend of the Hatsell brothers. He, or someone with the same name, possibly his father, worked as a clerk in the Court of Chancery in Chancery Lane in the 1770s, where the Hatsells had been brought up.[42] Ludby was later to be appointed one of the executors of Hatsell's will.[43] Both Drew and Ludby were conveyancers, the branch of law associated with preparation of marriage settlements and trusts more generally, as probably was Shadwell.[44] Ludby's proposal was a commentary or variant upon Drew's response, which retained its essential characteristic of ensuring that Fanny would retain control of the majority of her fortune after marriage.[45]

Henry Ley then responded by rejecting both sets of proposals in very decided terms. He considered the proposal for Fanny to retain a considerable independent income once married to be unacceptable. Henry argued that such power

> "creates an independence in the Wife, which gives a Facility, to one of the greatest misfortunes, which can happen to a man, that of his wife's separating herself from him, taking with her the Income of her Fortune and leaving her Husband with a Family of Children to maintain them as he can."

Even if Fanny remained with her husband,

> "In less material Occurrences It gives the wife the Power to incur Expences according to her own Whim & Caprice, when there may be but a scanty Provision for the maintenance of a Family".

Henry Ley also thought that the proposal for Fanny to retain control of part of her fortune was an insult to his son's "Character & Situation":

> "the Wife's having the Power over the Income, from which the family is to be maintained, serves to lessen the Husband in his own Estimation, & that of his Wife, his children & his servants".

He went on:

> "The income being vested in the Wife can only arise from a Distrust, and want of Confidence in the Husband, which ought not exist. If it does exist, it is a conclusive argument against the Connection itself".

[42] *The Solicitor's Compleat Guide in the Practice of the High Court of Chancery* (London, 1776), p.13; *Hatsell Papers*, p.2; DHC, 63/2/7/4, copy of Ludby to James Hatsell, 24 Apr. 1812 (8), where he addresses James as a friend and concludes with "affect[tiona]te regards" to James's family.

[43] TNA, PROB 11/1635, Will of John Hatsell, Mar. 1818

[44] DHC, 63/2/7/4, Hatsell to Henry Ley, 4 May 1812 (4), where Hatsell refers to "other Conveyancers" besides Drew or Ludby; Staves, *Separate Property*, p.56

[45] DHC, 63/2/7/4, Hatsell to Henry Ley, 4 May 1812 (4); DHC, 63/2/7/4, copy of Ludby to James Hatsell, 1 May 1812 (7)

He saw no reason why William, if he was "thought worthy of being the Guardian & protector of the Lady's Person", should somehow "be suspected of improvidently wasting his Income to the ruin of himself and his Family". There was "no part of my Son's Conduct which calls for any particular Caution with respect to him personally"; he was not "of an Extravagant or enterprising Turn".[46]

The clearest response on behalf of the Hatsells to the arguments made by Henry came in letters from Ludby which were forwarded to Henry. Ludby argued that the proposal was not a reflection on William's character: "I allow Everything which can be advanced to the honor & amiable goodness of the Gentleman, but that is quite distinct from the Settlement of Property".[47] Rather, it was appropriate as a matter of equity and common sense, if not common law, that Fanny should retain such control. Ludby's view was that "the first expression of the Trust of the Dividends to arise from the Lady's Fortune sh[oul]d be for The Lady for life"; he believed that such provision was "soundly warranted by worldly prudence".[48]

At this point, John Hatsell made his own proposal. He had previously acted as a trustee for some family marriage settlements. In the early 1790s, he was involved in managing the fallout from a husband's death for the operation of a marriage settlement, one copy of which was in "one of my Drawers in the Study of Cotton Garden dated ye 20 Sept. 1766".[49] From family correspondence, he was keenly aware of the potential impact of a failed marriage on the financial position of the wife. For example, he was informed that the errant husband of a relative "has left her to shift for herself some years".[50] Hatsell's personal commitment to continuing financial independence for married women is evident in the simplified form of trust which he drew up for his illiterate servant, Diana Brill. By late 1807, Diana had saved about £60 from her earnings in Hatsell's employment, including an additional gift of £4 11s from Hatsell "for Diana's attention to my poor Wife, whilst she lay so long ill". Hatsell managed the money with scrupulous care alongside his own much larger fortune, ensuring that she received interest on her savings at the rate provided by his bank. Prior to her marriage in January 1808, Hatsell drew up an agreement providing that £30 of her savings would continue to be managed by him and be available to her for her "sole, separate use and benefit", with the other £30

[46] DHC, 63/2/7/4, draft letter from Henry Ley to James Hatsell (18); DHC, 63/2/7/4, draft letter from Henry Ley to James Hatsell (19)

[47] DHC, 63/2/7/4, copy of Ludby to James Hatsell, 1 May 1812 (7)

[48] DHC, 63/2/7/4, copy of Ludby to James Hatsell, 24 Apr 1812 (8)

[49] TPA, HAT/3/5, Memorandum written by John Hatsell, 26 June 1793

[50] TPA, HAT/3/5, Thomas Western to John Hatsell, 4 July 1793

being paid to the husband, William Fry, to be "used by him for the joint benefit of Husband and Wife, as to him and her shall appear to be best for their mutual Advantage".[51] Hatsell's proposal for his own niece was a compromise, reducing the amount to be controlled by Fanny, but still "settling *part* of Her Fortune for Her benefit".[52]

There was usually an assumption that the negotiation of a marriage settlement would be left to the elder generation, and particularly to men, rather than the principals, particularly the prospective bride.[53] There is indeed little evidence of William's direct involvement in the negotiations in April and May, but the same was not true of Fanny. This probably reflected her strong commitment to the marriage taking place, and her desire to control her own destiny. On 30 April, Fanny became involved to prevent an impasse which threatened the marriage, making a new offer, as recorded by Hatsell in a letter to his brother, which was different in character from those previously advanced by the Hatsells:

> "In a Conversation, which I have just had with Fanny, *She Herself* propos'd, as You & I & Messrs Ludby & Drew differ'd from Mr Ley, *Mr Ley Himself* should select another Person of Character & Practise in The Law, & That the whole should be stated to Him; & that We should all abide cheerfully by His decision."

Hatsell thought no one, including Henry Ley, could object to this proposal for what was in effect arbitration. He thought that "Nothing can be more desirable, than to have the opinion of a Fair, impartial & disinterested Person on this subject: *& if* it shall be acquiesc'd in I hope it will put an end to all difficulties". Fanny added "That she would *Herself* propose this" to William.[54] James immediately sent his brother's note on to Henry Ley.[55]

Alongside this offer, as an alternative way to secure agreement, it was seemingly suggested that Henry Ley would meet Ludby along with Hatsell. However, Ludby rejected this proposal:

> "It will be to no purpose, therefore to cause Mr L. Senior the trouble to have an interview with me, My Argument wo[ul]d not have prevalence ag[ainst] his apparent contrary Determination, nor co[ul]d his have The Effect of

[51] TPA, HAT/3/6, Agreement made previous to the Marriage of William Fry & Diana Brill, 21 Dec. 1807; TPA, HAT/3/6, Note by Hatsell of money belonging to Diana Brill in his keeping and associated interest. Diana's illiteracy is based on the fact her mark is used in place of a signature in the former document. Diana and William managed their withdrawals carefully, such that £47 10s was still held by Hatsell in February 1819.

[52] DHC, 63/2/7/4, Hatsell to James Hatsell, 30 Apr. 1812 (12); DHC, 63/2/7/4, undated note in Hatsell's hand, probably 30 Apr. 1812 or earlier (3)

[53] Staves, *Separate Property*, pp.vii, 205

[54] DHC, 63/2/7/4, Hatsell to James Hatsell, 30 Apr. 1812 (12)

[55] DHC, 63/2/7/4, James Hatsell to Henry Ley, undated, but probably 30 Apr. 1812 (17)

varying my mode of thinking."

Ludby suggested instead that "it is most proper that all points relative to the Lady's Fortune sho[ul]d be brought forward & supported by the Lady, Her Parents & the next relative in this Case as far as they shall jointly think proper".[56] James then forwarded Ludby's opinion to Henry Ley, making clear that it was Fanny's suggestion to do so: "it was my Daughter's thought as being the easiest way of my explaining Mr Ludby's Sentiments".[57] At the same time, Hatsell rather bluntly uninvited Henry Ley:

> "I understand from a Letter, which my Brother has just receiv'd from Mr Ludby, That Mr Ludby declines having any meeting with You on the subject of my Niece's Settlement—I shall therefore not expect the pleasure of seeing You here on Wednesday next, as We had settled".

Hatsell also indicated that this constituted the end of his own involvement—"I too mean to have no further interference on this subject"— so that the matter would be for Fanny: "It will therefore be left to be settled between You & Her, in whatever way You think proper".[58]

Henry Ley did not reply immediately to the suggestion for arbitration, and James Hatsell made a further compromise proposal on 4 May: the amount to be brought to the marriage by the Leys was to be increased to £8,000; of Fanny's fortune, the same sum of £8,000 was then "to be settled agreeable *to your Plan*", in other words in accord with Henry Ley's wishes. Only the balance of £12,000 was "to be settled on terms agreeable to Mr Ludby's or Mr Drew's Plan".[59] Henry replied to James Hatsell rejecting all proposed compromises:

> "I am very sorry that any Difference of Opinion sh[oul]d subsist: for under the circumstances of the present Case [I cannot] but retain my former Sentiments, which I am well assured must tend more to the Mutual Happiness of the Persons most interested than the restraints which have been suggested & to wh[ich] there are essential objections".

Henry suggested that the only way forward was through a meeting between him and James.[60] Henry also wrote to John Hatsell, expressing disappointment that the meeting with Ludby could not go ahead and "that you decline any further Interference on that Subject". Henry expressed regret about the continuing differences between the families, but again asserted that he was "perfectly satisfied in the Propriety of my objection". He then rather pointedly alluded to how he saw Hatsell's patronage as integral to the appeal of the match:

[56] DHC, 63/2/7/4, copy of Ludby to James Hatsell, 1 May 1812 (7)

[57] DHC, 63/2/7/4, James Hatsell to Henry Ley, undated, but probably 2 May 1812 (10)

[58] DHC, 63/2/7/4, Hatsell to Henry Ley, 2 May 1812 (5)

[59] DHC, 63/2/7/4, James Hatsell to Henry Ley, 4 May 1812 (16)

[60] DHC, 63/2/7/4, copy of Henry Ley to James Hatsell, undated but probably 4 May 1812 (9)

"If they are as I believe they are anxious to form this Connection, we shall all be happy in the alliance, entertaining an high Opinion of the young Lady, her Disposition & Morals & thinking that with the Assistance & under the Patronage of their Friend it may tend to their mutual Happiness".

He provided an assurance that William would not seek to influence Fanny's position—"you will give me leave to assure you, that she will never receive any Solicitation from my Son, to act contrary to the wishes of her Friends"—but then ended the letter with a sting in the tail:

"nor will it be recommend[e]d to my Son to enter into a Family without … being received into it with Cordiality & approbation".[61]

Hatsell replied the same day, restating that he had found it "essentially necessary to my own comfort, to have no interference in this business, [other] than to give my Advice to those who shall condescend to seek it". He went on to make a rather pointed reference to the qualifications possessed by Drew and Ludby:

"Ignorant as I am of all questions of Law, & of the usual Forms in Marriage Settlements, I felt happy, in being favour'd with The Opinion of two Solicitors, eminent in Their Profession, & distinguish[e]d for Their Probity & Character."

Given Henry's continued determination to "differ from Both of These", he had recommended to his brother a variation on the proposal made by Fanny. This time, the Hatsells would themselves find another conveyancing solicitor, place all the documents before that solicitor and agree

"to abide (as far as my Brother is concern'd) to His (The Conveyancer's) opinion, resulting from the consideration of these different Statements".

At the same time, Hatsell forcefully restated his belief that the matter was ultimately for Fanny to decide:

"I can have no other wish, than that Both the Parties should be happy—I have put it out of my power, to claim any *right* of interference—It *must* therefore (as I said in my Note last night) be left *solely* to the determination of The Lady".[62]

Henry prepared two drafts of a reply to James setting out his continuing concerns. Henry rejected the idea of arbitration because "I cannot approve of a measure the tendency of which is to determine by Chance" the matter in dispute. He went on:

"it is not a Matter of Law or Practice; nor is a Lawyer better qualified to judge of it, than any other man of common understanding & with common feelings in the ordinary Transactions of Life."

[61] DHC, 63/2/7/4, draft of Henry Ley to Hatsell, undated but probably 4 May 1812 (6)

[62] DHC, 63/2/7/4, Hatsell to Henry Ley, 4 May 1812 (4)

Henry expressed his pain at the refusal of the Hatsells to meet with him. He suggested that the matters in contention were "better suited to a Conversation, than Correspondence", but that he had been debarred from "the Privilege of the former". He was keen to reach agreement so "that the young People, for whom I feel very much, will be relieved from their present anxiety".[63]

It seems that a meeting did then take place, as final agreement on the terms of the settlement was reached by 2 June, the date when Fanny's fortune was transferred to the trustees. Those trustees were the reverend Henry Ley, William's middle brother, and Henry Hatsell, Fanny's younger brother, who had graduated from Christ Church the previous year and had started to practise law in the Middle Temple, like his uncle, grandfather and great grandfather before him.[64] The documents relating to the final settlement suggest that, with respect to the first matter in dispute, Fanny and her family decided to give way. The draft memoranda for settlement which survive, and which almost certainly relate to the final settlement, provide that the dividends of stock totalling £24,000 were to be paid "to Mr W. Ley and his Assign[ee]s for his Life". If the marriage ended without issue and Fanny predeceased William, he was to have control over the entirety of the family fortune. There was a small concession to the Hatsell family in the case of there being no children and William dying first. In that case, half of Fanny's fortune could be disposed of by her through her will. If she made no such provision in a will, then that half was "to be considered as Mr L's property & part of his Estate".[65]

Conclusions about the courtship and marriage negotiations

Around a month after the conclusion of the settlement, William and Fanny were married at St Margaret's Church in Westminster on Thursday 2 July, with William's brother Henry officiating.[66] The project which Fanny had initiated little more than six months earlier had been brought to a successful conclusion. In one sense, her determination had overcome William's doubts and hesitations. And yet in another sense, the courtship and subsequent negotiations demonstrated the fragility and limitations of Fanny's social and economic position.

[63] DHC, 63/2/7/4, draft letter from Henry Ley to James Hatsell (18); DHC, 63/2/7/4, draft letter from Henry Ley to James Hatsell (19). The first draft is dated 7 May, but was seemingly not sent, because a subsequent draft was prepared and the final letter not received before 9 May: DHC, 63/2/7/4, Hatsell to Henry Ley, 9 May 1812 (11).

[64] DHC, 63/2/7/4, note relating to financial transfer of 2 June 1812 (13); *Oxford Journal*, 2 Mar. 1811, p.3

[65] DHC, 63/2/7/4, undated draft Memorandum for Settlement prepared by Henry Hatsell (14); DHC, 63/2/7/4, undated draft Memorandum for Settlement: copy of Henry Hatsell's paper (15); DHC, 63/2/7/4, undated Memorandum of Settlement (21)

[66] *Morning Chronicle*, 3 July 1812, p.3

When Fanny took the initiative by signalling her openness to a marriage proposal from William, she seemed in a strong position. She was possessed of a large independent fortune, reinforced by the hopes she and the Leys shared that her uncle's patronage would be exercised in William's favour. However, that strength proved illusory. Her uncle, while largely keen to support the match, seemed inclined to treat familial interests as secondary to his relations with Abbot as Speaker. The marriage negotiations exposed the limited control Fanny had over her fortune, faced both with the common law situation in which her wealth would become her husband's upon marriage and Henry Ley's resistance to embodying protections for her financial independence in the marriage settlement. Despite her formal control over her fortune prior to marriage, she remained on what has been termed "the margins of ownership".[67] The pressures of politics, patriarchy and the common law therefore meant that Fanny had in effect to relinquish control of her fortune to secure her marriage.

There was nothing inherent in the legal or social climate of the time that rendered this inescapable. She had strong arguments in equity for continued control, and leading advocates for that position in the legal profession and in her family. Others in similar situations were able to retain some control by means of a marriage settlement.[68] However, Fanny's negotiating position was weakened by her greater commitment to, and need for, the marriage compared with William. Time was also not on her side, because she would have been keenly aware, as were the Leys, of her father's state of health. Indeed, James was to die soon after the wedding, in early September 1812 while staying at his brother's country residence at Marden Park.[69] Once negotiations regarding the marriage settlement had been entered into, there was far more risk to her reputation from any failure to reach a satisfactory conclusion, compared with William.[70]

The courtship and marriage negotiations involving Fanny Hatsell and William Ley demonstrate what is commonly observed by historians—that marriage involved careful calculations of interests, alongside sentiment, and involved the wider family as well as the principals.[71] At times, the interests of family seemed to predominate, most notably on 14 March when J H Ley and

[67] L Davidoff and C Hall, *Family Fortunes: Men and Women of the English Middle Class 1780–1850* (London, revised edition, 2002), p.275

[68] Staves, *Separate Property*, pp.132–36, 140, 147–150, 157–58; R J Dashwood and K Lipsedge, "Women and Property in the Long Eighteenth Century", *Journal for Eighteenth-Century Studies*, Vol 44 (2021), pp.335–41

[69] *Morning Chronicle*, 4 Sept. 1812, p.4

[70] Vickery, *Gentleman's Daughter*, p.53; Holloway, *Game of Love*, pp.140–141

[71] Holloway, *Game of Love*, pp.9–10

Hatsell disagreed on everything except that the match should not proceed. However, Hatsell almost instantly regretted this sentiment, and stressed that Fanny's own choice was paramount. Henry Ley similarly told J H Ley on 23 March that "In the ultimate Decision much must Depend on W[ilia]m's own private Feelings on the Subject".[72] Henry's demands during the marriage negotiations might nevertheless have prevented the marriage, but the fact that they did not reflected Fanny's willingness to sacrifice her financial autonomy and also confirmed that marriage was ultimately the choice of the individuals concerned.[73]

In comparison with the wealth of evidence on events leading up to their marriage, there is scant evidence on William and Fanny's life as husband and wife. There were signs that their lifestyle as a married couple represented more than that which might be expected from the "bare maintenance" which William had feared might be their lot, because by April 1813 at the latest, the couple were resident at 15 Queen Street in Mayfair.[74] This was to remain their residence throughout their lives, making it likely that it was bought as a freehold property from the trust established for their benefit. Hatsell named William as one of his executors in 1818, suggesting warm relations with his niece's husband, and Fanny was provided with a further £10,000 in stock as part of that will.[75] The marriage was without issue, and ended when Fanny died at home on 5 June 1850.[76] In August 1853, William remarried. While Fanny was the same age as William, his second wife, Maria Dive, was almost fifty years younger than him, and they had three children together prior to William's death in 1864.[77]

"My intentions of recommending him": Abbot and Rickman

In resisting pressure to nominate William for the next vacancy at the table, the main consideration for John Hatsell was the management of his relationship with Abbot as Speaker. From the first attempts to secure a place for William, Abbot had made clear his concerns about a further enhancement of the Ley interest in the Clerk's Department. When relations between Abbot and the two Leys at the table deteriorated in 1811 and then again in 1812, Abbot made particular efforts to make the Clerk Assistant, Jeremiah Dyson, feel valued.

[72] DHC, 2741M/FC9/2c, draft of Henry Ley to J H Ley, 23 Mar. 1812

[73] A Macfarlane, *Marriage and Love*, pp.3, 121–24, 131, 138–39, 291–94, 321–22

[74] "Young Lady and Place", p.155; DHC, 2741M/FC15/71, William Ley to Fanny Ley, 12 Apr. 1813: letter addressed to 15 Queen Street

[75] TNA, PROB 11/1635, Will of John Hatsell, March 1818

[76] *Morning Post*, 6 June 1850, p.8

[77] *Morning Advertiser*, 23 Aug. 1853, p.7; 1861 Census results for William Ley and family, Woodlands House, Kenn, Devon

On 22 July 1812, soon after William's marriage to Fanny, Abbot secured an increase in Dyson's salary from £2,000 to £2,500 and, at the same time, talked to him about the succession to the Clerkship following the death of Hatsell or Ley.[78] Abbot also took steps to develop another counterweight to the Leys in the person of John Rickman.

Rickman had been an early advocate of a census and had been introduced to Charles Abbot by Rickman's father's local MP—and Pitt's close ally and general factotum—George Rose. After Abbot piloted the Population Act through Parliament, Rickman was a natural choice to superintend the 1801 census. Abbot had then appointed Rickman as his Private Secretary when he became Chief Secretary in Ireland.[79] When Abbot's move to the position of Speaker was imminent, he reported his expectation that "Mr Rickman will choose to follow my fortune in England",[80] and Rickman was appointed Speaker's Secretary. Abbot had found in Rickman, in the words of Rickman's daughter Anne, "a man after his own heart, ever hungry for work, powerful in mind and body".[81] Rickman viewed some of the work as Speaker's Secretary uncongenial—in 1805 he complained to a friend about "the number of precious hours I waste about the Ho[use of] Commons in doing nothing beyond the capacity of an Attorneys Clerk"[82]—and Abbot made unsuccessful attempts in both 1808 and 1812 to secure preferment for Rickman.[83] Rickman was an acute observer of politics.[84] He was naturally cynical and his detachment—he described himself on one occasion as "indifferent & uninterested" in a change of ministry[85]—made it likely that he could withstand the cross-currents of difficult relations between Abbot and the Leys.

Hatsell had first offered Abbot the chance to nominate to any table vacancy

[78] TNA, PRO 30/9/35, fos 89–89v

[79] On Rickman's career, see O C Williams, *Life and Letters of John Rickman* (London, 1912); Williams, *Clerical Organization*, pp.94–98; McKay, *Secretaries*, pp.11–16; Wilkinson, pp.47–50.

[80] TNA, PRO 30/9/113, fos 233–238, copy of Abbot to Hardwicke, 8 Feb. 1802. On an offer of a post in Ireland which Rickman declined, see Williams, *Rickman*, p.77

[81] C Hill, *Good Company in old Westminster and the Temple* (London, 1925), p.23

[82] BL, Add MS 35345, fo 39, Rickman to Poole, 21 Aug. 1805

[83] Williams, *Rickman*, pp.117, 132; Williams, *Clerical Organization*, pp.96–97; McKay, *Secretaries*, pp.14–15. In the case of the 1812 attempt (TNA, PRO 30/9/35, fos 120–120v), it is possible that the role was envisaged as a sinecure alongside Abbot's current roles.

[84] See his observations on how proceedings on a government bill in 1806 were prolonged to expose the ignorance of its contents of the Minister in charge and why George Rose was able to expose the financial weaknesses of a budget while in opposition: "setting a thief to catch a thief" (BL, Add MS 35345, fos 50v–51, Rickman to Poole, 29 June 1806).

[85] BL, Add MS 35345, fo 45, Rickman to Poole, 31 Jan. 1806. Rickman originally wrote "disinterested", but changed it to "uninterested".

early in the latter's Speakership and then, in 1807, Abbot had named his proposed candidate—William Elias Taunton, a barrister with no apparent links to the House.[86] By 1813, Abbot had seemingly concluded that he instead needed to choose someone who was both familiar with the House and closer to him. On Wednesday 14 July 1813, Abbot acquainted Rickman of "*my Intentions of recommending him to Hatsell for a seat at the Clerk's Table in the Event of Old Ley's death or retirement*".[87] Rickman had detailed knowledge of parliamentary business and practice from his careful filing and indexing of all Abbot's papers, and he was more involved in procedural matters than almost any other Speaker's Secretary.[88] At around the same time that Abbot told Rickman of his intention to nominate him for the vacancy, Abbot asked Rickman to prepare an index of the Journals for the period 1801 to 1812, and Rickman was subsequently to prepare an index for the 1818 edition of Hatsell's *Precedents*.[89]

A clue to the timing of Abbot's nomination of Rickman may lie in an unexpected source—the records kept by Rickman of the dinners hosted by Abbot for the clerks. For Abbot, the social aspect of his role was of great importance. A profile of him published in 1806 noted

> "The Speaker of the House of Commons was supposed and indeed enabled to exercise the rites of hospitality, and that too with all becoming magnificence. For this purpose he is provided with a noble service of plate, and a liberal allowance."[90]

Abbot held dinners regularly in his dining room, in the Crypt of St Stephen's Chapel, particularly after the completion of the restoration works in 1809.[91] An invitation was akin to a summons, and absences were carefully noted. On 28 June 1811, Abbot had given a dinner for Hatsell and Colman, the Serjeant at Arms, and noted in his diary that one Clerk, Henry Coles junior, was absent.[92] On 4 July 1812, Abbot held a dinner for Clerks to which 22 Clerks were invited and which they all seemingly attended. The main course offerings included rump of beef with sauce picquant, lamb cutlets with cucumber and fillet of

[86] "Sun Shone", p.124

[87] TNA, PRO 30/9/35, fo 259

[88] See TNA, PRO 30/9/14, Abbot's Miscellaneous Parliamentary Papers and McKay, *Secretaries*, p.21

[89] TNA, PRO 30/9/35, fo 288v

[90] *Public Characters of 1806* (London, 1806), pp.287–288

[91] Wilkinson, pp.6–7, 288–290; M Takayanagi and E Hallam Smith, *Necessary Women: The Untold Story of Parliament's Working Women* (Cheltenham, 2023), p.23; P Seaward, "Qualifications for the Speakership", available at historyofparliamentblog.wordpress.com.

[92] TNA, PRO 30/9/35, fo 61; McKay, *Clerks*, p.31

veal.[93] However, the comparable dinner on Saturday 10 July 1813 was rather different. Abbot recorded in his journal:

> "*The Clerks* had their annual Dinner with me. Only 18 dined. Absent Mr Hatsell, Mr Ley, Mr White, Mr Coles Snr, Mr S Gunnell & Mr Clementson."[94]

At least two of the absences may have been due to sickness, but those of Hatsell and Ley were probably unexpected.[95] The absences may have stimulated Abbot's decision to nominate Rickman to the next vacancy at the table only three days later.

"The introduction was unnecessary": William's appointment as Clerk of Elections

Although this nomination confirmed that there was no immediate prospect for William's advancement at the table, other options had been hinted at by Hatsell. The idea of William succeeding to the position of Clerk of Elections and Privileges had been mooted by J H Ley in mid-February 1812, and Hatsell had not ruled it out. A month later, Abbot had seemingly welcomed this idea, so far as it offered a solution to the Hatsell-Ley family issue without involving table appointments.[96] In December 1813, the opportunity finally arose with the death of George White who held the post, which was especially lucrative in election years, and which White combined with a private bill agency business in partnership with Richard Jones, who also acted effectively as his deputy. In January 1814, William inherited the post of Clerk of Elections and Privileges, and also took on a share of the agency business with Jones.[97]

On 23 January 1814, Abbot received a letter from Hatsell, which enclosed letters from Ley and William Ley, all relating to the latter's appointment to the vacant role. Somewhat unwisely, William, as well as referring to his new role, also made "allusions … to his future advancement to *the Table*".[98] Abbot's reply to Hatsell focused on this last point, and—drawing upon his own journal—restated the objections to the succession of William Ley to a position at the table that he had stated in February and March 1812.[99]

[93] TNA, PRO 30/9/14, Menu for Clerks dinner, 4 July 1812; TNA, PRO 30/9/14, Guest list for dinner, 4 July 1812. The probability of full attendance is derived from the fact that absences of which notice was given were noted on all other occasions.

[94] TNA, PRO 30/9/35, fo 258. Clementson was the Acting Serjeant at Arms.

[95] TNA, PRO 30/9/14, guest list for dinner, 10 July 1813. Based on advance information, Rickman estimated total attendance of 20, suggesting that two more withdrawals took place at short notice or without notice.

[96] "Young Lady and Place", p.159

[97] Williams, *Clerical Organization*, pp.105, 125–26, 220–21, 224, 263, 283

[98] TNA, PRO 30/9/35, fo 325

[99] TNA, PRO 30/9/35, fo 325

Abbot was not alone in his concerns about William's appointment. In proposing the supernumerary position for William instead of a table post in February 1812, Hatsell had explicitly advised J H Ley that there would not be the same objection to William being appointed as Clerk of Elections and Privileges if he was already a supernumerary clerk "as there would be to a person not connected with the Office".[100] The Clerk's Department of the early nineteenth century was subject to a significant gap between the table clerks and almost all of the rest of the clerks, who joined at a young age, and expected to spend much of their career in ill-paid drudgery. The hardship faced by many clerks was leavened by the prospect of advancement later in their careers to the most lucrative posts in the Department other than table positions, which came with high rewards and wide opportunities for delegation to juniors.[101] Any arrangement which jeopardised this delicate balance was greatly resented, as shown by evidence from George White junior, who joined the Department in 1802, and told a select committee in 1833 that "we always felt aggrieved" when such posts went to an outsider.[102]

Early in 1814, this sense of grievance found an outlet in *The Morning Chronicle* in the anonymous letter quoted at the beginning of this article. After the complaint about the "evident injury" to other clerks already cited, the letter then went on to note the dramatic increase in Ley's income in his time in the service of the House, from £400 a year to over £6,000. The letter then made its most damaging allegation, by noting that William had married Hatsell's niece. While the readers of *The Morning Chronicle* could draw their own conclusions at this point, the writer purported to distance himself from any criticism of Hatsell:

> "It has, therefore, been insinuated that you gave your consent to this appointment. Methinks I hear the injured parties say, such a thing is impossible, for Mr Hatsell has always been our friend and protector, and he possesses too high a mind, and too good a heart, to countenance such an injustice."

The letter ended by expressing the hope that Hatsell might intervene to overturn the injustice, or that members of the House acquainted with the matter might think fit "to inquire into the truth of what I have stated".[103]

The appearance of this letter must have been painful for Hatsell, but also for the Speaker. Abbot's irritation was all too evident when, the next day, Abbot

[100] "Young Lady and Place", p.149

[101] "Sufficient", pp.96–98

[102] *Report from the Select Committee on Establishment of the House of Commons*, HC (1833) 648, Q 1108; McKay, Clerks, p.99

[103] *Morning Chronicle*, 1 March 1814, p.3

recorded a remarkable incident in his diary. On that day, Hatsell, together with Ley, came to see him and the latter brought William to introduce him as the new Clerk of Elections and Privileges. Abbot's reaction was glacial:

> "In this capacity I told Mr Ley that it did not appear to me that I had any official intercourse with Him, & that the Introduction was unnecessary; but he said Mr Hatsell had suggested it to be proper;—and I said as *Mr Ley's Nephew* I should certainly be very ready to see Him, he stood on the outside of the Door, was called in, a few Words of general Civility passed—and He withdrew."[104]

There was further evidence of the deterioration in relations between Abbot and the Leys in the Speaker's journal entry for 21 March:

> "I *did not meet The Clerks* as heretofore in My Secretary's Room, Mr Ley no longer being able or ready to give any useful information—Mr Dyson & Mr John Ley not necessary to the dispatch of the daily business—and except on special occasions *I mean to discontinue* these meetings."[105]

A subsequent note in Abbot's journal summarising the year showed that this practice had in fact been adopted earlier in the month:

> "See 21 March Minute of my discontinuing to meet the Clerks every Morning—as I had done for the preceding Month."[106]

Abbot's dissatisfaction with Ley's services had been growing for some time, but the mishandled introduction of William, immediately after the public exposure of how Hatsell and Ley had exercised patronage, probably brought matters to a head. William's marriage to Fanny had thus precipitated a two-fold crisis in the Clerk's Department, with a sense of grievance among more junior colleagues and an extraordinary breakdown in relations between the Leys and the Speaker.

"Apprehension of his unfitness": Dyson and the succession to Ley

In early June 1814, Ley sensed his approaching demise. On 8 June, he provided testamentary instructions to supplement his rather spare will, instructions which characteristically addressed his income: "It is understood that if either of Mr Hatsell or myself die in ye course of a Session of Parl[iamen]t the profits of that Session are to be equally divided".[107] On 13 June, Abbot recorded in his diary that "Mr Ley died this Morning at 8 o'Clock".[108] Abbot acquainted the House

[104] TNA, PRO 30/9/35, fo 330

[105] TNA, PRO 30/9/35, fo 333

[106] TNA, PRO 30/9/35, fo 421v

[107] DHC, 2741M/FZ15, Testamentary instructions of John Ley, 8 June 1814. For Ley's will, see TNA, PROB 11/1559/55

[108] TNA, PRO 30/9/35, fo 371

with the news that afternoon "with deep concern" and Nicholas Vansittart, the Chancellor of the Exchequer, then moved a motion paying tribute to the "distinguished and exemplary manner" in which Ley "uniformly discharged the duties of his situation, during his long attendance at the Table of this House, for nearly forty-seven years". In the short debate agreeing the motion, George Rose, among whose sinecures was the position of Clerk of Parliaments, "spoke in the highest terms of the character and service of the deceased".[109]

Alongside these formal tributes, Abbot was also dealing with the consequences of Ley's death. He wrote a letter to Hatsell which noted the absence of a proper authority to sign orders and bills. The letter also conveyed Abbot's assumption that Dyson would be made Deputy Clerk and J H Ley Clerk Assistant, and reminded Hatsell of his undertaking to allow Abbot to nominate to the consequential vacancy.[110] Abbot then sent a message to J H Ley, via the Clerk of the Journals, to confirm that his attendance would not be needed while he was mourning his uncle's death, and made arrangements for Henry Gunnell, the Clerk of Private Bills, to deputise at the table.[111] Hatsell replied within days agreeing, in Abbot's words "to appoint my Friend", in other words, agreeing to Rickman's appointment as Second Clerk Assistant.[112] The other elements were to prove much trickier.

Jeremiah Dyson had served as Clerk Assistant since 1797. His appointment at that time probably reflected the final settlement of a moral debt by Hatsell to Dyson's father and namesake, who had appointed Hatsell as Clerk Assistant without seeking any payment for the office. In February 1812, J H Ley had sounded out Dyson as to whether, if there was a vacancy for Deputy Clerk, Dyson would want it. Dyson had indicated a preference to remain as Clerk Assistant. This may not have been unconnected with J H Ley's assessment that his uncle "had great Confidence in me", reflecting Ley's practice of delegating to J H Ley in preference to Dyson.[113]

On 15 June, Abbot received a reply from Hatsell, which confirmed that arrangements had been made for Dyson to act as Deputy on a temporary basis. However, regarding longer term arrangements, Hatsell had news which must have been disappointing for Abbot. Hatsell indicated that the 57-year old Dyson's first preference would be to retire, if his son could be appointed as a Clerk at the Table. Failing that, Dyson proposed that J H Ley should be made Deputy Clerk, while Dyson remained Clerk Assistant. Dyson's rationale was

[109] CJ (1813–14) 344; *Star (London)*, 14 June 1814, p.2; TNA, PRO 30/9/35, fo 372

[110] TNA, PRO 30/9/35, fos 372–73

[111] TNA, PRO 30/9/35, fos 371–72

[112] TNA, PRO 30/9/35, fo 374

[113] "Young Lady and Place", p.149

as follows:

> "He professed his own apprehension of his unfitness, & his Opinion of John Ley's superior fitness, from him having lived so constantly with his Uncle, both as to the business of the House, & the management of the Out-door Clerks".[114]

Dyson's modesty was most unwelcome to Abbot. The message confirmed his fears about the Leys building a clerical dynasty, and freezing out others.

On 18 June, Dyson came to see Abbot to confirm the proposal set out in Hatsell's letter: that Dyson would resign in order that J H Ley would become Deputy Clerk, provided that Hatsell would appoint Dyson's son as Clerk Assistant.[115] However, at this point, Hatsell intervened, perhaps aware of the difficulties arising for Abbot from another Ley as Deputy Clerk, so that by 22 June Dyson had "at Hatsell's instance consented to become Deputy".[116] Hatsell also endeared himself to Abbot on 30 June by telling Abbot how he "actively approved of my Recommendation of *Rickman* to the office of Second Clerk Assistant". The appointments of Dyson, J H Ley and Rickman were thus finalised, although Hatsell and Abbot agreed to delay the announcement until the last week of the session.[117] On 23 July, Abbot called on Hatsell who gave him a letter confirming that he had made the three appointments at the Table, a letter which Abbot read to the House, before introducing Rickman as a new Clerk at the Table as appointed by Hatsell.[118] The saga was thus brought to a conclusion in a way which suited both Hatsell and Abbot, outflanked the Leys and confirmed the right of appointment to all three posts as belonging to Hatsell during his lifetime.

Legacies

Abbot's interventions postponed the establishment of a Ley clerical dynasty. With Dyson's appointment as Deputy Clerk and Rickman's as Second Clerk Assistant, evidence of tension between Speaker and clerks disappears from Abbot's diary. Abbot's speakership ended in 1817, and his successor Charles Manners-Sutton seems not to have been so concerned with clerkly matters. In October 1820, Hatsell died at his country home at Marden of an apoplectic stroke.[119] During the July 1814 negotiations, Dyson had confirmed that he

[114] TNA, PRO 30/9/35, fo 373
[115] TNA, PRO 30/9/35, fos 374–75
[116] TNA, PRO 30/9/35, fo 379
[117] TNA, PRO 30/9/35, fo 383
[118] TNA, PRO 30/9/35, fo 398; CJ (1813–14) 496–97
[119] Williams, *Clerical Organization*, p.236

did not expect the office of Clerk after Hatsell's death.[120] Within a fortnight of Hatsell's death, J H Ley had been appointed Clerk of the House. Dyson got his wish and retired, being "upwards of 63 years of age, and not in a state of health to bear the unremitting labour of attendance in the House", with an annuity of £2,500 a year.[121] Rickman became Clerk Assistant, William Ley became Second Clerk Assistant and Dyson's son Thomas succeeded William as Clerk of Elections and Privileges and as partner in a parliamentary agency which was to prove the most enduring parliamentary legacy of the Dyson family.[122]

Following Hatsell's death, the House of Commons (Offices) Act 1812 finally came into full effect, so that the inflated fee income enjoyed by Hatsell, Ley and latterly Dyson passed to the House of Commons Commissioners, with J H Ley reliant on a salary fixed by that Act.[123] However, J H Ley assumed most of the control over the Clerk's Department exercised by Hatsell, and his sense of personal control was very apparent in his evidence to a select committee in 1833.[124] He remained as Clerk of the House until his death in 1850. All six of his sons were appointed as clerks.[125] After Rickman's death in 1840, William was promoted to the role of Clerk Assistant and J H Ley's son Henry became Second Clerk Assistant, so that, in Sir William McKay's words, the Ley family "monopolised appointments to the Table of the House without bringing to it conspicuous ability". On 3 September 1850, the Speaker, Charles Shaw Lefevre, recalled to the Prime Minister, Lord John Russell, how, during the latter part of the previous Session, when J H Ley had been absent, "when many difficult questions arose respecting amend[men]ts made by the Lords to our Bills … I sadly felt the want of a person on whose Experience and Accuracy I could rely to assist me in the Chair".[126]

When J H Ley died in August 1850, a few months after Fanny's death, William had seemingly hoped to become Clerk of the House, but Russell chose an outsider, Sir Denis Le Marchant, to fill the vacancy. Shaw Lefevre thought that "Poor W[illiam] Ley is so nervous & incompetent that I fully expect to hear of his resignation, now that he has no longer his Brother to

[120] TNA, PRO 30/9/35, fo 394

[121] *Morning Chronicle*, 19 Feb. 1821, p.3; Williams, *Clerical Organization*, p.236; HC (1833) 648, p.257

[122] Williams, *Clerical Organization*, p.236; McKay, Clerks, p.41

[123] *Account of the Annual Income of the Fee Fund*, 1821–1826, HC (1827) 547

[124] Williams, *Clerical Organization*, pp.239–40

[125] K Rix, "Half a century at the table: John Henry Ley and the staff of the House of Commons", https://victoriancommons.wordpress.com/; McKay, *Clerks*, pp.68–70

[126] W R McKay, ed, *Erskine May's Private Journal*, 1883–1886 (HMSO, House of Commons Library Document No. 12 1984), p.xi; TNA, PRO 30/22/8E/86, Shaw Lefevre to Lord John Russell, 3 Sept. 1850

lean upon".[127] Late in 1855, William decided to retire, making a characteristic "strong recommendation of his nephew [Henry] to fill the vacant Office". The Speaker anticipated that William might be "very much disgusted" when he learned of the Speaker's determination that the role of Clerk Assistant would go to Thomas Erskine May.[128] Henry shared the family dismay at this further encroachment on the family's position, because Shaw Lefevre told May: "In making this appointment, I have alone considered what is due to the House—Mr H Ley appears to look only to what he considers was due to himself".[129] Henry continued as Second Clerk Assistant until 1869, when Reginald Palgrave was appointed in his place, marking a move to the more recognisably modern pattern whereby positions at the table were chosen on the basis of merit from among clerks serving in other posts. Henry Ley's son, also called Henry, remained in the service of the House as Clerk of the Journals until 1919, when the 150-year connection between the Leys and the Clerk's Department finally ended.

Although John Hatsell's nephew, Littleton Powis, the son of Fanny's sister Penny, changed his name in 1838 to Littleton Hatsell-Powis, and held a clerkship between 1845 and 1853,[130] Hatsell's legacy was of a different kind. He established the position of Clerk of the House as a procedural and constitutional authority, a status that was effectively in abeyance between 1797 and 1871, but was revived when Sir Thomas Erskine May assumed the post in 1871. Hatsell's *Precedents of Proceedings* provided an essential foundation for Erskine May's *Treatise*, a work which addressed some of the weaknesses of Hatsell's work while building on its strengths.[131] And Hatsell's work continues to be of relevance and value in understanding the basis for and development of the practice of the House of Commons, providing his most enduring legacy.

[127] W R McKay, "A Sycophant of Real Ability: The career of Thomas Erskine May", in P Evans, ed, *Essays on the History of Parliamentary Procedure* (Oxford, 2017), pp.21–32, at pp.23–25; TNA, PRO 30/22/8E/86, Shaw Lefevre to Lord John Russell, 3 Sept. 1850

[128] TPA, ERM/2/33–34, Shaw Lefevre to May, 10 Dec. 1855

[129] TPA, ERM/2/40, Shaw Lefevre to May, 24 Dec. 1855

[130] McKay, *Clerks*, p.57

[131] On these themes, see C Lee, "Thomas Erskine May's *Treatise upon the Law, Privileges, Proceedings and Usage of Parliament*" in C Monaghan, ed, *Leading Works in the History of the Constitution* (2025).

QUESTIONS OF PRIVILEGE AND THE ROLE OF THE SPEAKER: THE CANADIAN EXPERIENCE – PART 1: HOW GOOD INTENTIONS WENT (SERIOUSLY) AWRY

CHARLES ROBERT[1]

To the memory of the late Philip A. C. Laundy (1924-2020) a former Clerk Assistant in the Canadian House of Commons and an accomplished parliamentary historian, a generous mentor, and a cherished friend.

A procedural 'innovation' (1959)

On Wednesday 17 June 1959, Speaker Roland Michener of the Canadian House of Commons introduced an innovation in dealing with questions of privilege. The change applied to the preliminary stage requiring the Speaker to decide whether a complaint merited treatment as a question of privilege over all other business before the House. In considering the motion proposed by Lester Pearson, Leader of the Opposition, involving allegations concerning the Member for Peel based on a judgment of the Exchequer Court, Speaker Michener suggested that he should determine its merits on the basis of *prima facie* and earliest opportunity.[2] An affirmative finding would give the motion based on the complaint priority of debate until it was resolved or otherwise disposed of by a decision of the House. To get this assessment right, he wanted the House to assist him in this task. Using these two criteria, *prima facie* and earliest opportunity, to decide a limited procedural issue was meant to clarify the role of the Speaker by making explicit what was perhaps previously implicit.[3] This innovation was based on a Westminster practice implemented twenty-five years earlier that had recently come to the attention of Ottawa.

From Michener's perspective, applying *prima facie* and earliest opportunity was a significant change. Consequently, the Speaker opted to seek the advice and support of members "before deciding whether or not a *prima facie* case

[1] Formerly the Clerk of the Canadian House of Commons and previously the Interim Clerk of the Senate and Clerk of the Parliaments.

[2] HC Debates, 17 June 1959, 4808

[3] In an incident in Ottawa involving a disputed election in 1892, then an accepted subject of privilege, the Speaker, Peter White, prepared a memorandum explaining why in this case it did not qualify. He explained that normally this issue was *prima facie* one of privilege but given the delay in moving ahead with the matter, it failed on the basis of urgency. See HC Debates, 21 March 1892, 4808.

has been made out".[4] In taking this cautious approach, the Speaker may have been sensitive to the ever-growing partisan atmosphere that emerged from the acrimonious pipeline debate of 1956.[5] The members obliged the Speaker with an unprecedented four hours of discussion and exchanges. This was followed two days later with an extensive ruling explaining the Speaker's decision in which he determined that this case did not satisfy the *prima facie* requirement. Speaker Michener's ruling was subsequently appealed to the House and was sustained by a recorded vote 131 to 32.[6]

The innovation brought in by the Speaker was indeed significant, perhaps more than he realised at the time. Certainly, more than the members themselves first realised. It was in fact transformative. It was not just a matter of applying the explicit criteria of *prima facie* and earliest opportunity to assess an alleged question of privilege. In agreeing to hear the views of members, Michener departed from established practice which had previously been limited to hearing only the member raising the complaint.[7] In addition, he permitted members to review all aspects of the alleged contempt and possible precedents, well beyond the limits that Pearson suggested normally applied at this preliminary stage of the proceedings on a question of privilege.[8] And, instead of immediately allowing or refusing the member's motion to pursue the complaint proposed at the end of their speech that would give it priority over other business, the decision was delayed so that Speaker Michener could give a formal, detailed ruling. This was a first; there was no prior history either of such rulings or of any such postponement.[9] Beyond doubt, the event of 1959 inaugurated a new era in the history of parliamentary privilege on how alleged complaints should be managed.

The 1959 case established a template which has remained solidly in place ever since. Speaker Michener's ruling was considered a model, praised for its clarity and analysis.[10] Succeeding Speakers sought to emulate it. Also, members

[4] HC Debates, 17 June 1959, 4808

[5] As part of the controversy surrounding the pipeline debate, the Speaker at the time, René Beaudoin, reversed a procedural decision with damaging consequences that destroyed his credibility and his Speakership.

[6] HC Debates, 19 June 1959, 4932

[7] See for example the following cases of privilege: HC Debates, 20 April 1921, 2310-4; 21 May 1924, 2401-6; 8 February1932, 8-10; and 30 June1943, 4175-90. In the last example, the Speaker made a statement acknowledging an incident involving allegations of war profiteering made against several ministers without making a ruling.

[8] HC Debates, 17 June 1959, 4808 and 4809

[9] Before 1959, there were no substantive rulings by the Speaker on questions of privilege. They were generally accepted *bona fide*, in good faith.

[10] HC Debates, 10 March 1966, 2488; 11 March 1966, 2561

quickly accepted that, depending on circumstances or interests, they now had a role in assisting the Speaker; they were entitled to provide their opinion on the merits of any alleged complaint of privilege. Such a process meant that the treatment of questions of privilege at this preliminary stage was virtually indistinguishable from that applied to points of order. With both, the Speaker was expected to hear the views of members before coming to a decision. And any decision either for questions of privilege or for points of order could be given immediately or be delayed for some time.

Unchanged and unquestioned for more than sixty-five years, both the practice of treating questions of privilege and the role of the Speaker have suffered over time. The goodwill intentions of Speaker Michener in allowing members to participate in evaluating whether a complaint involved privilege and the use of an extensive ruling to answer a simple procedural question have had damaging consequences. The ability of the Speaker to facilitate the work of the House, a primary function of the Chair, has been crippled. The consideration of alleged questions of privilege has often been weaponised for partisan purposes, derailing the business of the House sometimes for days on end. This is because in raising a question of privilege, the normal routine of the House is displaced while the alleged complaint is heard. Elaborate and often delayed rulings of the Speaker do little to disguise this reality. The bulk of these rulings are made up of obiter commentary that serve no real purpose and have little lasting benefit.

Two inter-related reasons account for this situation gone awry and why it has been ignored despite the obvious harm done. The first has to do with non-critical reliance on Westminster without sufficient regard for context explaining how the practice of *prima facie* and earliest opportunity was applied there. The second reason is more alarming and has to do with the general indifference to the subject of parliamentary privilege as a topic deserving serious attention. Failure to appreciate the shortcomings of the first and the importance of the second have exposed the House and the Speaker to serious risks. At its worst, the process of dealing with questions of privilege has purposefully obstructed the ability of the House of Commons to function and a weakened Speaker seems no longer able to challenge the use of privilege complaints as a tactic to hijack sittings of the House. Parliamentary privilege which is meant to enable the House and its members to function freely and without hindrance has been distorted to do the opposite by allowing practices that undermine and pervert its purpose.

Deliberately imitating practices used at Westminster and adapting them to the Canadian parliamentary environment have been constant features in Ottawa's procedural history and its importance cannot be overstated. They are part of Ottawa's parliamentary DNA. Such imitation and adaptation were an inevitable

reality from earliest days as a colony under British control and administration when legislatures were formed to provide limited local government. It was further confirmed through the adoption by Westminster of the British North America Act 1867 (now the Constitution Act 1867). Its preamble stated that governance of the Canadian federation would be similar in principle to that of Britain making Parliament with its two Chambers a central feature. Various provisions of the Constitution outlined how the new Parliament would follow the Westminster model. Beyond these explicit provisions, the traditional rules, practices, and conventions of Westminster would also guide the work and routine of Ottawa's Parliament. This understanding was the basis of much of the long history of Standing Order 1 through which the House of Commons relied on Westminster precedents in circumstances that could not be resolved using Canadian rules or practices.[11]

Section 18 of the British North America Act authorised the Senate and the House of Commons to claim the privileges, immunities and powers of the Westminster House of Commons. Aside from an amendment made in 1875 that allowed for some flexibility to extend privilege beyond what existed in 1867, section 18 has remained unchanged. Enactment of section 18 was achieved through what is now the *Parliament of Canada Act*, first passed in 1868.[12] This Act reiterated the broad language of section 18 without identifying specific privileges, immunities, or rights such as freedom of speech or the power to discipline and punish. Section 4 of the *Parliament of Canada Act* continues in force. The protection of privilege provided through section 18 remains firmly anchored in Westminster concepts and practices.

Reliance on Westminster was further promoted through frequent editions of Thomas Erskine May's magisterial *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, first published in 1844 and universally known as Erskine May. Its author eventually became Clerk of the British House of Commons and through his lifetime produced nine editions of his comprehensive *Treatise*.[13] This preeminent authority on parliamentary practice, now in its twenty-fifth edition, was for many decades Ottawa's North Star, a fixed reference point by which Parliament in Ottawa compared and developed its own standing orders

[11] See *Annotated Standing Orders of the House of Commons*, 2nd ed. 2005. Historical Summary – Standing Order 1. pp.1-4.

[12] Statutes of Canada, 1868, Chapter XXIII

[13] For information on the life and career of Thomas Erskine May see *The Dictionary of National Biography vol. 37, 1886*. pp.145-6. More recently, the bicentenary of May's birth in 2015 led to the publication of *Essays on the History of Parliamentary Procedure* in Honour of Thomas Erskine May (2017), edited by Paul Evans which provides evidence of the enduring influence of May's *Treatise*. A more detailed account of the immediate impact of May's manual can be found in an essay by Colin Lee in Leading Works in the History of the Constitution (2025), edited by Chris Monaghan.

and practices. Its influence is plain to see in John G. Bourinot's *Parliamentary Procedure and Practice in Canada* published in four editions between 1884 and 1916. Westminster's influence was still evident in the successor manual of practice, Arthur Beauchesne's *Rules and Forms of the House of Commons of Canada* which went through six editions between 1922 and 1989. Nor is it entirely absent from *House of Commons Procedure and Practice* now in its fourth edition produced in 2025, which has largely displaced *Erskine May* as a "go to" authority.

Speaker Michener was almost certainly prompted to consider *prima facie* and earliest opportunity based on the 1958 edition of Beauchesne's. Inserted for the first time is citation 104(5) explaining that "… the Speaker requires to be satisfied both that there is a *prima facie* case that a breach of privilege has been committed and also that the matter is being raised at the first opportunity".[14] No further details accompanied this statement, but its insertion reflected the ongoing influence in Ottawa of Westminster practice and the "priceless work of Sir Erskine May".[15] The text in Beauchesne's is lifted directly from it. By 1958, the British manual was in its 16th edition, a version which continued to reflect the substantive changes made to *Erskine May* in the 14th edition that appeared in 1946. This landmark edition had been prepared during the tenure of the renowned Sir Gilbert Campion, Clerk of the House of Commons between 1937 and 1948.[16] Without abandoning the name of its first author or its fundamental purpose, the 14th edition had been thoroughly restructured and modernised. It presented an extensive revision of the history, character, and purpose of parliamentary privilege as well as including the first reference to *prima facie* and earliest opportunity.[17]

When describing to the House how the new procedure would work, Speaker Michener made no direct reference to Beauchesne's. Instead, he quoted extensively from *Erskine May* on Westminster practice. The passages he cited stressed three points: that the Speaker had a limited role in deciding whether an alleged complaint deserved precedence; that "*prima facie*" excluded matters relating to the practices or standing orders of the House; and finally, that Speaker's rulings should not extend to motions which did not strictly relate to matters of privilege so called.[18] Having provided this information, Michener

[14] Arthur Beauchesne, *Rules and Forms of the House of Commons of Canada.* 4th ed. 1958. p.95

[15] Arthur Beauchesne, *Rules and Forms of the House of Commons of Canada.* 4th ed. 1958. p.vii

[16] For information about the life and accomplishments of Sir Gilbert Campion see *The Dictionary of National Biography 1951-1960*. pp.183-4.

[17] Thomas Erskine May, *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament.* 14th ed., ed. Sir Gilbert Campion (London, 1946), p.356'

[18] HC Debates, 17 June 1959, 4807-8

reiterated his request for assistance from members, seeking their advice on how he should evaluate Mr. Pearson's motion.

Absent from Speaker Michener's statement to members is any clear awareness of how the Westminster Speaker fulfilled this role. Had he known, Michener might have hesitated to seek the advice of members. This is because at Westminster, as at Ottawa previously, the Speaker's assessment of an alleged question of privilege is based exclusively and solely on the arguments presented by the member raising the complaint. No other member is heard at this preliminary stage of the proceedings. The benefit of this limited intervention is two-fold: it keeps the focus fixed on the complaint preventing the issue from becoming a partisan affair; and it helps to preserve the neutrality of the Speaker whose decision is limited to a simple statement as to whether a *prima facie* threshold has been met. In addition, up to 1960, the ruling was expected to be given immediately after the complaint had been explained. Michener's attempt to mimic Westminster was seriously flawed from the beginning with its harmful effects to emerge over time. The four hours that Michener allowed quickly became a series of partisan exchanges. The ruling, given two days later, was an assessment of those arguments undermining the Speaker's neutrality which prompted the futile appeal of his ruling.[19]

The Westminster precedent and subsequent practice (1934-77)

The equivalent to the 1959 template case for Westminster occurred in 1934 and was extensively reported at the time.[20] In a departure from its usual practice of citing precedents, the 1934 case and several that followed it were not referenced in the 14th edition of *Erskine May* in 1946 or in later editions. Also not directly stated was the fact that the use of *prima facie* and earliest opportunity was introduced into Westminster practice through the actions of Speaker Edward Fitzroy, who served in the Chair from 1928 until his death in 1943.[21] His fifteen-year tenure helped to ensure that his innovation would become part of established practice and would eventually find its way into the 14th edition of *Erskine May*. From the Westminster perspective, the change Fitzroy brought about was hardly seen as radical; it sought to clarify the limited role that the Speaker had during this preliminary stage by identifying criteria to

[19] Pearson justified his appeal of Speaker Michener's ruling because of its unprecedented character and his belief that the complaint was a genuine question of privilege. HC Debates, 19 June 1959, 4932

[20] *Journal of the Society of the Clerks-at-the-Table in Empire Parliaments*, vol. III, 1934. pp.106-114

[21] For more information on Speaker Edward Fitzroy see *The Dictionary of National Biography, 1941-1950*. pp.255-7.

determine whether a complaint merited the attention of the House which had the ultimate responsibility of passing judgment. In other respects, the process followed by the Speaker and the House remained much as it was.

On 16 April 1934, Sir Winston Churchill raised a question of privilege alleging tampering with written evidence of a witness submitted to a joint committee looking into Indian constitutional reform. A day earlier, Churchill had provided Speaker Fitzroy a letter accusing two members of the committee with responsibility for this interference.[22] At the end of his statement in the House, Churchill asked the Speaker to find that a *prima facie* case had been made out. In doing this, providing written notice and asking for a *prima facie* finding, Churchill was accommodating Speaker Fitzroy who had indicated how he preferred to deal with questions of privilege some months earlier.[23] In answer to Churchill's complaint, the Speaker made a simple statement that a *prima facie* case had been made out. Churchill then moved his motion to have the privileges committee investigate the matter which was adopted after a short debate without a further intervention by Churchill.

The obvious differences between the two template cases reveal much about the character of the two Houses, the role of the Speakers, and the importance given to privilege. Though not a requirement at the time, Churchill made sure to inform the Speaker in advance of his complaint providing details which were reiterated in his remarks the next day. Churchill was the only one to address the Speaker in the Chamber with his allegations and he explicitly asked him to rule that he had made out a *prima facie* case. The Speaker's quick response was matched by the speed with which the House adopted Churchill's motion. Though the accusation of witness tampering was not without political significance, the focus and attention of the House was the question of privilege and the need to investigate a possible contempt against its authority and dignity, a responsibility acknowledged and shared by the entire House. Sir Samuel Hoare, the Secretary of State for India and one of the accused, welcomed the motion and the committee inquiry fully recognising the importance of the issue.[24]

The 1934 template remained the practice at Westminster until 1977. Through more than forty years, when complaints of privilege came up, a

[22] The letter is published in the papers of Winston Churchill. Martin Gilbert, Winston S. Churchill. Vol. 5. Companion Part 2 Documents: The Wilderness Years 1929-1935 (London, 1981), pp.755-58.

[23] UK HC Debates, 8 February 1934. col. 1315; and 12 February 1934. cols.1590-1

[24] UK HC Debates,16 April 1934. col. 723. "I rise with great deference to say how fully I approve of the decision that you, Mr. Speaker, have just given. In justice to myself, in justice to my colleagues on the Joint Select Committee and in justice, particularly, to this House, the credit of which I value far more than my own, I welcome this inquiry."

member brought the matter to the attention of the House, preferably with prior notice in writing to the Speaker the day before, and it was immediately followed by a ruling. From February 1960, much to the relief of then Speaker William Morrison, one day was granted to decide whether a *prima facie* case had been made out.[25] In addition, from 1938, the Government Leader of the House, rather than the member who had raised the complaint, often assumed the task of moving the relevant motion once the Speaker had made a favourable ruling.[26] Ottawa seemed to be unaware of any of this when it incorporated "*prima facie*" and "earliest opportunity" into its practices in 1959. Nor did Ottawa seriously consider further developments at Westminster several years later and beyond as it sought to modernise concepts of privilege and how they might be treated more effectively.

In the mid-sixties, concerns at Westminster about wasted time spent on cases of privilege that committee investigations determined to be trivial or founded on outdated precedents led to a serious review of "the law of Parliamentary Privilege as it affects this House and the procedure by which cases of privilege are raised and dealt with in this House".[27] The Select Committee on Parliamentary Privilege produced its report in December 1967, eighteen months after receiving its mandate. One focus of the committee was to find ways to minimise the time taken in dealing with questions of privilege. The report revealed how clerks often succeeded in discouraging members from pursuing complaints though it was admitted that there was no procedural mechanism to prevent an insistent member from going ahead with the complaint even when it was certain to be rejected by the Speaker. The committee proposed recommendations to improve the situation including one to have a committee, rather than the Speaker, decide whether an alleged breach or contempt met the *prima facie* threshold. [28]

None of the committee's recommendations were adopted at the time. Nonetheless, the report stands out for the quality of the memoranda submitted and testimony received. Foremost among these were the submissions and evidence of the Sir Barnett Cocks, Clerk of the House of Commons, and Mr. Louis Abraham, former Principal Clerk of Committees. The memorandum of Mr. Abraham in particular was singled out for praise by members of the

[25] For more on Speaker William Morrison see *The Dictionary of National Biography 1961-1970*. pp.773-4. On the matter of the practice of delaying a ruling and the confusion related to it, see the *UK Report from the Select Committee on Parliamentary Privilege, 1967*, Memorandum of Mr. L. A. Abraham, p.112.

[26] *UK Report from the Select Committee on Parliamentary Privilege, 1967*, Memorandum by Mr. L.A. Abraham, p.110

[27] UK HC Debates, 5 July 1966. col. 368

[28] *UK Report from the Select Committee on Parliamentary Privilege, 1967*. paras. 162-166, p.xlii

committee, especially Mr. Quintin Hogg, the future Lord Chancellor.[29] They were right; his memorandum on parliamentary privilege is exceptional for its thoroughness, particularly in outlining the scope of privilege and the role of the Speaker in assessing complaints brought to the attention of the House. In their testimony, the Clerk and Mr. Abraham gave a more detailed explanation as to how Westminster operated in dealing with privilege as described in *Erskine May*. Both expressed some concern about the risk of compromising the Speaker despite the brevity of *prima facie* rulings. Deciding that a complaint appeared to have some merit put the Chair in a potentially awkward position should the House, in the end, come to a different judgment. For this reason, Mr. Abraham did not think that Speaker Fitzroy's innovation was particularly helpful.[30] While the report was not adopted, it was not without some effect. The number of trivial cases of privilege did decline, but the general situation remained unsatisfactory.

The 1967 report of the Select Committee on Parliamentary Privilege was the first of four studies on the subject undertaken by Westminster through 2013.[31] The second, conducted in 1977, incorporated the 1967 report and came up with the procedure to reduce the possibility of wasted time by dispensing with *prima facie* rulings of the Speaker in the Chamber. The committee proposed that a confidential written complaint be sent to the Speaker for consideration and that any decision on the matter be returned to the member privately. If favourable, the Speaker would announce to the House as early as the next day that it would be for the member to give notice of the appropriate motion which would be called at a fixed time the following sitting day. If the decision were unfavourable, the matter would be considered closed. The member would not be able to raise the matter in the House. Only that member would be aware of this outcome. The House itself would have no public knowledge of this.

The solution found in 1977 continues as current practice at Westminster. The benefits, in comparison with the Canadian model, are obvious. There is no opportunity to waste the time of the House with failed complaints of privilege. The House only becomes aware of a complaint issue when the Speaker is

[29] *UK Report from the Select Committee on Parliamentary Privilege, 1967*. para. 443, p.116 and para. 577, p.129

[30] *UK Report from the Select Committee on Parliamentary Privilege, 1967*. Memorandum of Mr. L A. Abraham. 110 and also p.124, paras. 540-1

[31] In addition to the reports of 1967 and 1977, there were reports in 1999 and 2013 neither of which were adopted. The 1999 report recommended the codification of privilege similar to the law adopted by Australia. The 2013 report took a contrary position recommending the status quo so as to keep parliamentary privilege flexible, particularly the concept of contempt. See Thomas Erskine May, *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th ed., Sir David Natzler and Mark Hutton eds., (London, 2019) pp.255-7.

persuaded that it has merit and a statement to that effect is made in the House without any ruling. The matter of the complaint is brought forward by the member by having a motion placed on the Order Paper once the Speaker has informed the House that it will be allowed and proposed for debate the next sitting day. This process eliminates the chances of the Speaker becoming involved in any political or partisan confrontation. It also encourages the House to focus on the subject-matter of the privilege complaint rather than becoming caught up in partisan machinations. Debates rarely go very long, and motions are usually voted in short order.

Procedural reforms (1965-66)

A year before Westminster launched its first attempt at improving its practices with respect to parliamentary privilege, Ottawa made some significant changes to its Standing Orders with the goal of enhancing operations of the House. Of the many changes proposed in 1965, one sought to reduce the number of frivolous questions of "personal" privilege while another aimed to bolster the authority of the Speaker. They were only partially successful. As Lester Pearson, the Prime Minister, explained requiring written notice of one hour prior to the sitting was intended "to offset the great increase in the number of questions of privilege".[32] Though not specifically mentioned, it seems that Pearson had in mind questions of privilege that were used as opportunities to gain the floor to make a brief personal statement having little or nothing to do with privilege. The second change abolished appeals to Speaker's rulings. After providing a brief history of appeals suggesting that they had increased "enormously" in recent years, Pearson went on to explain that "if the Speaker is to be given control over the procedure of the House which is necessary for its effective functioning, his authority in that regard must be strengthened. The most effective way to do this is to abolish appeals from Speaker's rulings, as is the situation in Westminster."[33] Both these temporary amendments to the Standing Order were made permanent in 1968.[34]

Nothing in this 1965 reform effort indicates that the government or the House looked at procedures on questions of privilege followed at Westminster. However, during the limited debate recommending these changes to the Standing Orders, one member did suggest that written notice of one hour was insufficient to help the Speaker anticipate the discussion on the complaint of privilege. The member, Mr. Bud Olson, went even further. He is recorded as saying "As a matter of fact, I think that more than an hour should be given,

[32] HC Debates, 18 May 1965, 1482

[33] HC Debates, 18 May 1965, 1481-2

[34] HC Journals, 20 December 1968, 563 and 565

and what is more I think Mr. Speaker should be convinced that there is at least a *prima facie* case of privilege before he allows any Member to get up and make a long speech on the alleged question of privilege."[35] Sadly, nothing happened with either suggestion. His intervention, however, was prescient, not so much for the benefit of Ottawa, but in foreseeing what eventually happened at Westminster.

In March 1966, the House of Commons became embroiled in a political controversy that exposed how questions of privilege could derail proceedings in the House. It also exposed the limited ability of the Speaker to manage debate or assuage the mood of the Chamber. By this time, the House had become accustomed to having discussion among members on whether a privilege complaint had *prima facie* merit before the Speaker ruled on it. In this case, the complaint related to recent comments made by the Minister of Justice, Mr. Cardin, suggesting potential breaches in security during the Diefenbaker government some years earlier. The possible breach involved Gerda Munsinger, an East German immigrant, a reputed prostitute, and suspected Soviet agent, who had been linked to some ministers of the Diefenbaker government. The sudden revelation of this scandal, previously unknown to the public and so like the infamous Profumo Affair in Britain, caused an uproar in the House of Commons and tested the abilities of the newly appointed Speaker, Lucien Lamoureux. Conservative members were outraged contending that the allegations raised by the Minister of Justice tainted all ministers of the former Diefenbaker Cabinet without specifying any explicit offense or identifying the offenders.

From the outset and through four days of turmoil, the Speaker had difficulty in managing the House as he faced repeated questions of privilege. It began on Thursday 10 March 1966, when a question of privilege was raised without written notice challenging the Minister of Justice for statements made to journalists critical of the Diefenbaker government about the possible security breach linked to Munsinger. The Speaker declined to proceed further once unanimous consent to forego the notice requirement was refused.[36] Notice was not needed when the privilege complaint came up again immediately after the Minister of Justice referenced the Munsinger affair during question period.[37] The Minister had repeated allegations suggesting an inadequate response by the Diefenbaker government and raised the possibility of striking a judicial inquiry to investigate any possible security breach. Following subsequent exchanges, the Speaker asked the Minister to offer his comments before making a ruling.

[35] HC Debates, 20 May 1965, 1547

[36] HC Debates, 10 March 1966, 2477

[37] HC Debates, 10 March 1966, 2483

After some more attacks on the Minister, the Speaker confronted with an angry House and pressed to rule on the spot rather weakly stated that he was "inclined to believe there is a *prima facie* case of privilege in this case".[38] In coming to his decision, Speaker Lamoureux made a passing reference to the Michener ruling without seeming to fully grasp its significance. However, had he followed more closely the much-praised Michener decision, he could equally have refused the question of privilege. The Minister's misguided statements made no specific charges or accusations to justify a *prima facie* finding. But the Speaker was likely influenced by the indignation of members caught up in the sudden revelation of the scandal. Having found there was a *prima facie* case, Speaker Lamoureux nonetheless refused to accept a motion demanding that the Minister substantiate his charges.[39] This was succeeded by several more procedurally unacceptable motions and so it continued through three more days of often chaotic and confused debate.[40]

What seems clear is that the initial *prima facie* finding was taken as license to engage in ongoing debate even as members failed to come up with a procedurally acceptable motion. There is a suspicion that after the first unsuccessful motion, members knew their continuing attempts were procedurally doubtful, but this did not matter; it was not the point. Members were angry, and they were determined to show it, using the Speaker's *prima facie* finding to vent their outrage. The partisan character of the debate was unmistakable and the Pearson government's efforts to persuade the House to accept a judicial inquiry was resisted while the anger remained unabated. Though more extreme, this tortured debate had its roots in the wide-ranging and less intense partisan

[38] HC Debates, 10 March 1966, 2488

[39] HC Debates, 10 March 1966, 2488-89 The rejected motion was: That the Minister of Justice be required forthwith to substantiate the charges made inside and outside the Chamber which have reflected unfortunately and improperly upon members of Her Majesty's Privy Council.

[40] HC Debates, 10 March 1966 (Motion of Mr. Nielson) 2489; (Motion of Mr. Churchill) 2492; (Motion of Mr. Nielson) 2515. 11 March 1966.(Ruling of the Speaker - all three motions out of order) 2541-2; (Motion of Mr. Grégoire) 2542; (Ruling of Mr. Speaker - motion out of order due to lack of notice) 2543; (Motion of Mr. Starr) 2543; (Ruling of the Speaker - motion out of order for lack of specific charge) 2543-4; (Motion of Mr. Lambert ruled out of order due to lack of notice) p.2573; (Motion of Mr. Bell) p.2574; (Motion ruled out of order due to lack of notice) 2576-7; 14 March 1966 (Mr. Fulton asking for resignation of the Minister of Justice) 2620; (Mr. Diefenbaker) 2628; (statement of Mr. Speaker about additional questions of privilege for which no ruling was sought) 2629; Discussion on motion for judicial inquiry related to Mr. Fulton's question of privilege, 2663-83; 15 March 1966 (Mr. Diefenbaker followed by Mr. Nowlan and Mr. Lambert) 2685-8; (Mr. Speaker - motion out of order due to lack of notice) 2699-700; (Motion of Mr. Olson unanimous consent denied to appoint a special committee) 2700-1. See also HC Journals, 10 March 1966, 268-71; 11 March 1966, 279-84; 14 March 1966, 287-8; and 15 March 1966, 291-3

debate the House experienced in 1959. It had been allowed to exceed the confined parameters of the *prima facie* merits of the complaint. The situation in 1966 was now considerably worse.

Through much of these sittings, Speaker Lamoureux seemed powerless to control or guide the proceedings. He admitted as much several times as questions of privilege piled up accompanied by unacceptable motions. As he stated at one point, he might have been too lenient, but he also noted that "we all agree that things got somewhat complicated".[41] Once during these fraught sittings, and more by accident, Speaker Lamoureux happened to closely follow the Westminster model in dealing with a complaint. This occurred on 15 March, the last day of the unruly proceedings, when a member raised a question of privilege on an unrelated matter. After hearing the member's complaint, the Speaker ruled immediately that "there was no *prima facie* case of privilege and therefore there can be no further discussion of the matter."[42] The incident passed unnoticed. Four days in, the turmoil finally came to an end. This was due to several factors: the pressing need to deal with other House business; simple exhaustion; and the government's Order-in-Council decision of 14 March creating a judicial inquiry headed by Mr. Justice Spence. [43]

With the chaos over, the House resumed its normal functions. However, what had happened was not forgotten, though its underlying significance was overlooked and ignored. The four days revealed a great deal about how parliamentary privilege might be used to express genuine frustration. It also led to a realisation that it could serve partisan purposes to obstruct the government. Allowing members to participate in assessing the *prima facie* merits of a complaint of privilege and to debate motions, doubtful or otherwise, could take over entire sittings; it could overwhelm the ability of the Speaker to manage proceedings; and obstruct the ability of the House itself to conduct business. All of this had been unforeseen when Speaker Michener first proposed to involve members in aiding him. In forsaking what at Westminster was the exclusive prerogative of the Chair, Speakers in Ottawa surrendered a responsibility that diminished their authority and exposed the consideration of questions of privilege to partisan interests. It became apparent that the potential disruption surrounding complaints of privilege could have a tactical function. The

[41] HC Debates, 15 March 1966, 2698

[42] HC Debates, 15 March 1966, 2712-3

[43] HC Journals, 14 March 1966, 287-8 and HC Journals, 5 October 1966, 824. The Hon. Mr. Justice Wishert Flett Spence, Commissioner. Report of the Commission of Inquiry into matter relating to one Gerda Munsinger, September 1966. While there were questions about when the report would be tabled in the House at various times during Question Period, the report itself once tabled was not pursued. The findings were critical of the handling of the scandal by the Diefenbaker government.

Munsinger case was an early instance of this realisation. Its potential as a tactic would not be fully exploited until years later during debate on the patriation of the Constitution and the adoption of the Charter of Rights and Freedoms.

Special Committee on the Rights and Immunities of Members (1974-78)

During the first three of four sessions of the 30th Parliament, which continued from autumn 1974 to spring 1979, the House of Commons appointed a Special Committee on the Rights and Immunities of Members. The committee of eight, including its Chair, James Jerome, Speaker of the House, had as its mandate the task of reviewing the rights and immunities of members as well as the procedures by which such matters were dealt with by the House. In undertaking this work, it was partially influenced by the 1967 report of the British privilege committee. This is evident from its preference for the use of the terms "rights and immunities" rather than the elitest-sounding word "privilege".[44]

Though the committee had a broad mandate and enough time, it did not achieve very much. It had only four meetings during the first session and produced a report in which the committee explained that while it had made progress, it had "not yet reached the point in its deliberations where it is ready to submit final recommendations …".[45] In the second session, the committee held three meetings and produced a detailed analysis on the use of the *sub judice* convention, not a core feature of parliamentary privilege.[46] Rather, *sub judice* is a convention to guide debate on matters touching civil or criminal cases before the courts. Given the nature of the report and its findings, there was no debate in the House on it. The anticipated focus of the committee in the third session was the issue of members' rights with respect to information and material relating to national security. The expectation was the committee would submit a report "quite soon", but there is no evidence that the committee met, and no report was presented to the House.[47]

In conducting its work and despite its mandate, the committee does not seem to have evaluated the procedures by which complaints of privilege were dealt with by the House. Nothing indicates that the committee felt the need to review the practices that had developed since 1959. There is no suggestion that

[44] HC Special Committee on Rights and Immunities of Members, First Report, Journals, 12 July 1976, 1422.

[45] HC Special Committee on Rights and Immunities of Members, First Report, Journals, 12 July 1976, 1421-3

[46] HC Special Committee on Rights and Immunities of Members, First Report, Journals, 29 April 1977, 720-9

[47] HC Debates, 8 March 1978, 3570

it considered for comparative purposes the submissions and testimony of the 1966-67 select committee on parliamentary privilege or the third report of the committee of privileges of 1977 that recommended the procedures currently followed at Westminster. It was a missed opportunity.

The limited results of the Special Committee on the Rights and Immunities of Members reflected ongoing indifference to parliamentary privilege. It is a subject that does not matter much to members and is unable to attract their sustained interest. At best, parliamentary privilege is taken for granted. Its acquisition through section 18 of the British North America Act was an ancillary benefit that complemented the more substantial achievement of self-government. Because parliamentary privilege has not been considered seriously by Ottawa, it has rarely been properly appreciated. This indifference has made it susceptible to practices related to the treatment of complaints of privilege based on the 1959 precedent. Quickly established, few doubts have ever been publicly expressed about these practices. There has been no evident awareness of the distortions they created or their negative impact on the substantive purpose of parliamentary privilege. Instead of seeking to maintain the authority and dignity of Parliament, the treatment of complaints of privilege has often been reduced to a tactical ploy to further partisan objectives through delay and obstruction.

Constitution Patriation debates (1980-81)

The use of privilege complaints for tactical purposes became evident during the contentious period from early October 1980, through mid-April 1981, when the House of Commons dealt with the patriation of the Constitution. During much of this time, the House was distracted by numerous questions of privilege. Hours were spent on arguments for and against various allegations of breach of privilege as well as different points of order. This procedural jousting fell into two distinct periods, the first occurred during October when the House debated over more than ten sitting days the appointment of a special joint committee to consider and report on the government's proposals for the constitution. The second more combative period began after the special joint committee had submitted its report on 13 Februaryand the government then followed up with a Joint Address to the Queen to patriate the Constitution. The debate over this motion continued for two months up to 23 April and was punctuated by an unprecedented number of questions of privilege and points of order.

Following the Quebec Referendum of May 1980 and the subsequent failure to reach agreement with the provinces, Prime Minister Pierre Trudeau decided to take unilateral action to patriate the Constitution together with an amending formula and the Charter of Rights and Freedoms. He tabled in the House on

6 October 1980 a resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada. Moments later, the government's notice of motion to create a special joint committee to consider and report on the proposed Joint Address no later than 9 December was transferred for debate later in the sitting.[48] This debate continued steadily until 23 October when the government applied closure. By this point, the government believed that sufficient time had been allowed for debate. In the face of opposition insistence for more time, the government accused the Conservatives of having engaged in obstruction, of wasting "a great many hours" with phony procedural objections, rather than debating the constitution.[49] To make the point, during Question Period on 23 October, the Prime Minister cited some confusing figures showing how much more often the Conservatives had raised procedural issues in comparison to similar interventions by the Liberals or the New Democratic Party (NDP).[50] This was then refuted by a Conservative member's calculation of the time spent on questions of privilege, an account that was not entirely complete.[51] The underlying objective of this clumsy dispute was the government's attempt to justify closure in the face of opposition intransigence. Denouncing obstruction based on unfounded complaints of privilege and petty points of order was one way to do this.

What is of interest about this event is the limited indifference shown by both sides to the use of questions of privilege and points of order for tactical purposes that was arguably more important than any supposed violation of privilege or deviation of practice. Despite the criticism by the government, it seems that such blatant tactics were simply accepted as part of the Canadian parliamentary process. It was certainly not the first time that a barrage of questions of privilege was raised during a sitting.[52] As it happened, the number of privilege complaints and the time spent on them during the ten days of debate on the creation of the special joint committee were not particularly exceptional. The failure of any one of these questions of privilege to meet a *prima facie* threshold, however, gave sufficient justification for the government to claim abuse and impose closure as a counter-tactic.

The final vote late in the sitting of 23 October took place in an environment of intense frustration and anger. Opposition members shouted out insisting to

[48] HC Debates, 6 October 1980, 3274

[49] HC Debates, 20 October 1980, 3841; 21 October 1980, 3881; 22 October 1980, 3947

[50] HC Debates, 23 October 1980, 3964

[51] HC Debates, 23 October 1980, 4046. For example, one question of privilege took two hours to be heard. See HC Debates, 9 October 1980, 3528-3544

[52] See for example HC Debates, 7 December 1979, 2135-2147 when six questions of privilege were raised.

be heard and a number of them charged the Chair of the Speaker to challenge holding the vote. Their goal to delay the vote establishing the committee failed, but resistance was far from over. The opposition Conservatives were determined to continue their effort to combat the government's unilateral constitutional agenda and thwart the adoption of its resolution of a Joint Address to the Queen. With greater militancy than applied in October, they would seek to block the government's constitutional ambitions. More than ever, the procedure for dealing with questions of privilege would be a critical weapon in their arsenal.

The special joint committee presented its report on Friday 13 February 1981, two months later than originally planned.[53] The committee report proposed some significant amendments, particularly to the Charter. These were incorporated into the government's final version of the resolution for a Joint Address to the Queen proposed for debate on Monday 16 February. An amendment was moved by the opposition the next day and it remained outstanding during the entire debate, preventing the use of the previous question to bring debate to an end.[54] For the next two months, the House engaged in debate on the resolution. Like the previous October, the official opposition with occasional interventions by the NDP raised a steady stream of questions of privilege and points of order. After one intense Wednesday afternoon taken up with a series of complaints and allegations, the Speaker expressed exasperation as well as relief on reaching the early adjournment hour.[55] Much more was still to come.

Many of these questions of privilege and points of order had to do with objections about some alleged action or inaction by the government. Others involved accusations of misleading statements, unparliamentary language, or some shortcoming of a Minister. Members raising these objections felt entitled to give extensive explanations supported by others who also wanted to offer their assessment of the complaint. Both were often annoyed with Speaker Sauvé whenever she claimed the right to decide when she had heard enough to understand the case.[56] The Speaker then ruled immediately or took the matter under advisement with a decision delivered usually a day or two later. Given the repetitive character of many of these complaints, it was not too unexpected

[53] The original date was changed on 2 December to 6 February and then on 4 February to no later than 13 February. Curiously, this was close to the date moved as an amendment on 23 October by the Conservatives that was defeated. On this point, see HC Debates, 23 October 1980, 3981 and 4051-2

[54] HC Debates, 17 February 1981, 7388 and 7394

[55] HC Debates, 23 February 1981, 7689. Speaker Sauvé said, "Order. It is now 6:00. Will hon. Members allow me to say 'Thank God'. After all, I have been four hours in the Chair."

[56] See for example HC Debates, 27 March 1981, 8708 and 31 March 1981, 8797

that the Speaker was able to rule quickly as she often did.[57] More revealing is the fact that none of these privilege complaints were found to have *prima facie* merit. However, none of the complainants objected to this outcome; no one expressed disappointment or surprise. The tactical purpose of delaying the government agenda was what mattered. The objective was to waste the time of the House, not to confirm the legitimacy of the privilege complaint or the point of order objection.

Looming in the background throughout this period were the courts. With eight provinces opposed to the federal government's unilateral action, the Courts of Appeal of Manitoba, Newfoundland, and Quebec were seized with questions challenging the federal government. Beginning with Manitoba, the decisions of all three were issued between early February and mid-April.[58] The involvement of the courts appeared to fuel the determination of the official opposition to continue with their tactics of disrupting the conduct of government business. Indeed, once it became known that the Supreme Court had agreed to hear the Manitoba Court of Appeal, the obstruction of proceedings intensified.

From 26 March and for the next week and more, the work of the House of Commons was derailed by a deliberate and constant barrage of questions of privilege and points of order. Among the early efforts was a failed attempt to raise a lengthy point of order citing the *sub judice* convention to withdraw the constitution resolution pending the Supreme Court's decision.[59] Opposition efforts were substantially boosted with the release on 31 March of the decision by the Court of Appeal of Newfoundland, which determined that the federal government did not have sole authority to amend the Terms of Union, the agreement that joined Newfoundland to Canada in 1949. This was ammunition for the opposition justifying their position and tactics. It is perhaps no coincidence that on the same day, Speaker Sauvé informed the House that she had received eight notices for questions of privilege and by Friday 3 April, there were ten more.[60]

Confronted with this challenging situation and determined to deal with these complaints fairly but expeditiously, the Speaker again insisted on the right to manage the duration of the exchanges. The opposition was equally obstinate in asserting their right to debate these matters fully. Discussing

[57] HC Debates, 2 April 1981, 8892

[58] The separate Courts of Appeal in the matter of the Reference re Amendments to the Constitution of Canada, 1981 issued their decisions as follows: Manitoba on 3 February 1981 (117 DLR(3d);1-7 Man R(2d)269); Newfoundland and Labrador on 31 March 1981 (29 Nfld & PEIR 503 - 118 DLR(3d) 1-82 APR 503); and Quebec on 15 April 1981 (120 DLR(3d) 385)

[59] HC Debates, 26 March 1981, 8650 and 8660-68 and 27 March 1981, 8694

[60] HC Debates, 31 March 1981, 8795; 3 April 1981, 8948

this issue during the sitting of 31 March, the Speaker, echoing what Speaker Michener had done years before, cited *Erskine May* to explain the purpose of *prima facie* and earliest opportunity and the discretionary authority exercised by the Westminster Speaker when members persisted in raising a complaint on the floor of the House after being advised privately against it.[61] The Speaker's efforts to push back on opposition demands to have an extensive debate on questions of privilege and points of order probably explains why so many of these complaints and objections were raised during this time. Debating them seriatim ensured that the real objective of preventing the government from reaching its agenda had a better chance of success.

No one was in doubt as to was happening and why. On 27 March, an attempt was made using Standing Order 43 to move a motion of "urgent and pressing necessity" expressing regret at the systematic obstruction that had been underway for six weeks, stifling debate on the constitution resolution, effectively gagging the House, and keeping it from carrying out its business. It was no surprise when the unanimous consent needed to debate this proposal was refused.[62] Later in the sitting, during yet another complaint of privilege from the opposition, a government member denounced their ongoing tactics using spurious objections to interfere with the work of the House.[63] Frustration with the opposition came up again when the use of their tactics became itself the object of a question of privilege. The complaint charged the opposition with deliberate obstruction, disrespect towards the Speaker, and disregard for the rights of the majority including that of securing a decision. The Speaker ruled immediately that since there was no infraction or deviation from the permitted practices of the House, no *prima facie* case had been made out.[64] There could be no clearer proof that the procedure initiated back in 1959 to address complaints of privilege had been subverted from its true purpose to protect the interests of the House of Commons in carrying out its responsibilities to one that frustrated its ability to function at all. For all the damage done, it was accepted as an inescapable reality. The House was at the mercy of an opposition convinced of its cause and that had the ability to hijack the sitting at will.

Still, the government had little choice but to press ahead. It used what leverage it had through the standing orders while also seeking a negotiated agreement. Since the previous question was not an option, the government first indicated it would use time allocation, and when that failed, it attempted to

[61] HC Debates, 31 March 1981, 8805-6

[62] HC Debates, 27 March 1981, 8684. Another similar attempt was made under S.O.43 denouncing the tyranny of the minority, see HC Debates, 1 April 1981, 8841.

[63] HC Debates, 27 March 1981, 8696

[64] HC Debates, 27 March 1981, 8708-15

impose closure.[65] Time allocation was blocked by the opposition on 26 March when it prevented House business with the usual series of complaints and objections. On 2 April, when agreement was reached to expedite the passage of a borrowing authority bill, the government suggested that it would be prepared to withdraw its time allocation motion in exchange for an end of the opposition filibuster.[66] The next day, the official opposition indicated that while negotiations were ongoing, it would hold back its ten questions of privilege as well as any others that might arise from the sitting on the understanding that they could be pursued without prejudice if no agreement were reached. On 6 April, with the prospect of further discussions, the opposition repeated this deferral of its questions of privilege.[67] This was just before the government gave notice of closure, a manoeuvre aimed at putting added pressure on negotiations. As it happened, the closure motion was never moved. Under immense pressure on all sides, a settlement was reached.

The breakthrough came two days later, on 8 April. The government announced an agreement and, with unanimous consent, moved a motion outlining the steps to be followed allowing a limited number of amendments and votes to dispose of them, but not on the resulting constitution resolution itself. Debate was set for three days between 21 and 23 April with the votes on the amendments at the end of the sitting of the third day. In addition, the motion stipulated that any further debate on the constitution resolution would be postponed until no earlier than the first sitting day after the Supreme Court had ruled on the decisions rendered by the Courts of Appeal of Manitoba, Newfoundland and soon after Quebec.[68] Thereafter, there would be two days of debate conducted under a strict protocol dealing with the hours of sitting and the length of debate allowed each participating member with a final vote set at the expiration of the second day. At long last, the obstruction generated by so many questions of privilege and points of order was over.

The House was again able to resume a more conventional pattern of sitting, but this time with a real difference. The opposition, as well as the government, now knew beyond doubt that control of the House and its deliberations were shared between them. Even with a majority, the government did not have exclusive control over management of the House. The opposition had the ability to block or obstruct House proceedings at will using procedures triggered by any claim made in the name of parliamentary privilege. The events of April

[65] HC Debates, 26 March 1981, 8635 and 6 April1981, 9014

[66] HC Debates, 2 April 1981, 8910

[67] HC Debates, 6 April 1981, 8989

[68] The Supreme Court rendered its decision 28 September 1981 - Resolution to amend the Constitution, 1981, CanILL25 (SCC), [1981] 1SCR 753.

demonstrated the tactical value of using questions of privilege to challenge government policy. In the end, the opposition was entitled to feel that it had won concessions from the government. Such a victory confirmed the utility of such procedural tactics. In raising a complaint of privilege, its credibility hardly mattered; it was the process of hearing the arguments from participating members that provided the means to delay proceedings. Using a barrage of questions of privilege, the opposition was able to thwart the government with one complaint after another. Taking up time this way, an approach deliberately curbed at Westminster, was at the core of the opposition's strategy. That it worked only encouraged its use when the occasion warranted in the view of the opposition.

Procedural reforms (1982-86)

One year later, the House and the Speaker were again confronted with another form of procedural obstruction, the novel use of division bells to halt all proceedings of the House of Commons. At the time, the House was debating the Energy Security Act 1982, an omnibus bill composed of several distinct legislative measures that the opposition wanted to see divided and debated separately. They presented their objections to the Speaker as a point of order. In Speaker Sauvé's ruling, delivered 2 March 1982, she explained that the Chair did not possess the authority to divide a bill as the opposition had requested. Though it is uncertain whether it would have made any difference, the Speaker did not mention the possibility of using a motion of instruction to achieve this objective.[69] After some further exchanges between the Speaker and some members, a protest motion was moved to adjourn the House. Since the opposition whip refused to enter the Chamber, the vote could not take place and the bells continued to ring for two weeks, a stunning event that completely paralysed the House of Commons. The eventual resolution of this unforeseen impasse led to demands for major procedural reforms.[70]

Two special committees were mandated during the 32nd and 33rd Parliaments to consider a wide range of changes to improve the operations of the House of

[69] The Speaker has the authority to divide a complicated question. However, a motion to read a bill a second time is a simple standard motion. A motion of instruction, on the other hand, empowers a committee seized with bill to divide it into separate bills if it is drafted in a way to allow it.

[70] Charles Robert, *Ringing in Reform: An Account of the Canadian Bells Episode of March 1982. The Table*, 1983, vol.51, pp.46-53.

Commons including eventually time limits on division bells.[71] The introduction to the third report of the first of these committees, the Special Committee on Standing Orders and Procedure, also known as the Lefebvre Committee, explained what guided its work as well as that of its successor committee: "The purpose of parliamentary procedure is to enable a democratic assembly to operate effectively and fairly… As time is a limited commodity, parliamentary procedure should ensure that the time available for parliamentary business is used as effectively and as fairly as possible… If existing procedures fail in any of these objectives, there is clearly a need for reform."[72] Taking this approach, the two committees proposed a sweeping array of reforms that modernised much of the procedures, management, and administration of the House of Commons. The implementation of many of these recommendations represented the most radical reforms ever undertaken by the House of Commons.[73]

Ignored among these decisive efforts was consideration about the management of questions of privilege. Nothing was suggested by either of these committees to reset the preliminary stage when raising a complaint. No thought appears to have been given to comparing the cumbersome, time-consuming, and wasteful practices followed in Ottawa with those of Westminster or elsewhere such as Australia and New Zealand.[74] Nothing appears to have been acknowledged or learned from the experience of patriating the Constitution when proceedings had been blocked by privilege complaints. Despite the clear evidence that such practices prevented the House from functioning "effectively and fairly", the issue of privilege was not treated as a distinct topic fit for reform. It was another missed opportunity.

Further missed opportunities (2003 & 2017)

The general indifference to parliamentary privilege continues a pattern that has existed for decades. The feeble results of the Special Committee on the Rights

[71] The committees created to consider changes to House of Commons practices in the two succeeding Parliaments were the Special Committee on Standing Orders and Procedure and the Special Committee on Reform of the House of Commons. For more information of the scope of the reforms and later developments See James R. Robertson, House of Commons Procedure: Its Reform (Library of Parliament 82-15E, revised 21 February 2002)

[72] HC Special Committee on Standing Orders and Procedure, Third Report, Journals, 5 November 1982, 5328

[73] Included in these reforms was one to provide for the election of the Speaker by secret ballot. The first Speaker to be elected was John Fraser who served seven years through the 33rd and 34th Parliaments from 1986 to 1993.

[74] See *House of Representatives Practice*, 6th ed., B.C. Wright ed. (Canberra, 2012), pp.766-8; and McGee Parliamentary Practice in New Zealand, 5th ed., Mary Harris and David Wilson eds. (Aukland, 2023) Chapter 60 parts 60.1 and 60.2

and Immunities of Members in the 30th Parliament had demonstrated this lack of commitment of taking privilege seriously and nothing had really changed in the intervening years. Nor indeed has this attitude shifted much up to the present time. While members routinely continue to acknowledge the importance of privilege, their understanding does not appear to be particularly deep and, in any case, it remains distinct and separate from the issue of how complaints should be managed. These factors combine to make any serious change a real and unlikely challenge. Evidence of this ongoing reluctance was confirmed in two separate instances involving questions of privilege that occurred in 2003 and 2017. In both, a commitment to pursue further the subject of privilege was abandoned or not met before the dissolution of Parliament.

In 2003, courts in British Columbia and Ontario made rulings respecting the appearance of ministers as witnesses that conflicted with parliamentary immunity shielding them from this obligation during the session.[75] Questions of privilege were raised by the Government House Leader on 12 and 16 May 2003, in objection to these court decisions.[76] Though it was not with unqualified support, members from other parties agreed with the complaint when it was first raised on 12 May and Speaker Milliken ruled in its favour on 26 May. A motion to refer the matter to the Standing Committee on Procedure and House Affairs was then moved and adopted without debate. As it happened, the committee did not address the questions of privilege before prorogation on 12 November 2003. However, the matter was taken up in the subsequent session through another ruling of the Speaker made on 6 February 2004, declaring that the complaint remained a *prima facie* question of privilege.

A motion again referring the matter to committee was subsequently adopted. After hearing from the Clerk of the House and the Law Clerk, the committee adopted its eighth report on 26 February which was presented to the House on 8 March 2004. In keeping with Ottawa's reliance on British authorities, the report cites *Erskine May*'s standard definition of parliamentary privilege rather the recently published Canadian source, House of Commons Procedure and Practice. More importantly, the report also referenced the work of two parliamentary committees of the United Kingdom suggesting that the issue of testimonial immunity should be re-considered as well as its extension 40

[75] British Columbia Court of Appeal, Ainsworth Lumber Co. v. Canada (AG) and Paul Martin. 2003 BCCA 239 and 402. Ontario Superior Court, Telezone Inc. v. The Attorney General of Canada. [2003] O.J. No. 2543

[76] HC Debates, 12 May 2003, 6091-2 and 16 May 2003, 6379

days before and after a session.[77] Given questions about the application of this privilege in a contemporary context, particularly in view of the Charter, the committee concluded with a recommendation that the "House of Commons consider the appointment of a committee to undertake a comprehensive review of parliamentary privilege."[78] In making this proposal, the committee was aware that such an effort "would involve a significant amount of time and energy".[79] Apparently more than the House of Commons or the committee was prepared to take on. The report was not debated prior to the dissolution of the 37th Parliament at the end of May 2004 and the task of undertaking a comprehensive review of parliamentary privilege was not taken up in the new Parliament.

In 2017, the Procedure and House Affairs Committee investigated a question of privilege involving the complaint of a member who had missed a vote while waiting for a shuttle bus that had been delayed by the Parliamentary Protective Service (PPS). Another member joined in the complaint for the same reason. The motion referring the matter to the committee was framed within the context of the "free movement of Members of Parliament within the Parliamentary Precinct".[80] The complaint was first raised on 22 March, and the Speaker ruled there was a *prima facie* case on 6 April. After some hours of debate, the House adopted a superseding motion which effectively ended debate by dropping it from the Order Paper. The Speaker ruled again on the matter on 11 April to restore the motion for debate overruling the House's decision. During the subsequent debate that continued until 3 May, the privilege motion was twice amended to ensure its priority over other business before the committee and to provide a reporting deadline.

Partisan differences animated much of the committee's deliberations. Despite these differences, there was agreement that the broader issue of "free movement"

[77] The two committees are not specifically named in the report but it is likely the joint committees on privilege for 1999 and 2013. See UK Joint Committee on Parliamentary Privilege, First Report of Session 1998–99, *Parliamentary Privilege: Volume I – Report & Proceedings*, HC 214-I para 335 and UK Joint Committee on Parliamentary Privilege, First Report of Session 2013–14, *Parliamentary Privilege*, HC 100 paras 266–69

[78] HC Standing Committee on Procedure and House Affairs, Eighth Report, Journals, 8 March 2004, 146, para 13

[79] HC Standing Committee on Procedure and House Affairs, Eighth Report, Journals, 8 March 2004, 146, para 11

[80] That the question of privilege regarding the free movement of Members of Parliament within the Parliamentary Precinct raised on Wednesday, March 22, 2017, be referred to the Standing Committee on Procedure and House Affairs and that the Committee make this matter a priority over all other business including its review of the Standing Orders and Procedure of the House and its committees provided that the Committee report back no later than June 19, 2017. Journals, 6 April 2017, 1654-1655

deserved more consideration. The committee's 34th report presented to the House on 19 June, made no explicit finding on the original complaint, but the committee "unanimously agreed to commit itself to undertake a thorough review to begin in 2017 of matters related to Members' free and unfettered access to Parliament".[81] Unfortunately, this commitment was not kept, and no such study was made by the committee during the remainder of the first and only session of 42nd Parliament which continued until it was dissolved more than two years later, on 11 September 2019.

There is more to be said about the privilege complaints of 2003 and 2017 and the events surrounding them. Each in their way reflect how practices had become entrenched since Speaker Michener's innovation in 1959 and how they combined to undermine the purpose of parliamentary privilege, exposed it to weaponisation, and compromised the role of the Speaker. Without acknowledging them as such, these risks had long been accepted by members as part of the established process for dealing with questions of privilege. No one thought to complain about them because their deviation from the Westminster model was not recognised or appreciated.

With respect to the complaint of privilege of 2003, the timing of the decision and the decision itself deserve comment. The first of the two complaints objecting to recent court decisions was raised on 12 May, and the decision of the Speaker Milliken was delivered on 26 May covering the original question of privilege as well as the second one raised on 16 May. There is a lapse of nearly two weeks though admittedly one was a non-sitting week. The point to be made, however, is that this delay did not raise any concerns. There was no expectation that the Speaker would make a ruling quickly. Indeed, often enough by this point, the Speaker would postpone a ruling if there was any indication that a party representative, often the respective House Leader, wanted to contribute to any discussion on the privilege complaint. While this possibility remained outstanding, the Speaker usually reserved the decision, an approach that undermined the supposed urgency associated with questions of privilege and the need for the Speaker to assess their *prima facie* merits as soon as possible. The time taken in making the decision on 26 May was accepted as perfectly routine and normal.

A review of the published series of Selected Speakers' Decisions that currently catalogues rulings from Speaker Lamoureux through Speaker Regan, shows

[81] HC Standing Committee on Procedure and House Affairs. Thirty-Fourth Report, Journals, 19 June 2017, 1995. The government in a supplementary opinion found that members in question were not obstructed in their movements and there was no breach of privilege. The official opposition maintained that the incident "constructively impeded" the members in their access to the House.

that delayed rulings happened with some regularity, becoming increasingly common from the Speakership of John Fraser (1986-1994) onwards.[82] Deferring to the preferences of members in this way not only conflicted with the urgency aspect of privilege, it also undermined the authority of the Speaker. It reinforced the practice that the Speaker hear the views of members in order to have an informed decision and should not proceed without receiving their advice. This, in fact, reflected another perverse reality. Even when not raised for tactical purposes, many questions of privilege regardless of their possible merits involved a dispute between the government and the opposition, with the complaint serving as a means for the opposition to criticise the government. Given this dynamic, Speakers opted to listen to both sides to avoid any concern of taking a position for other than procedural reasons. Buried in all this and obscured from view was the simple fact that the purpose of the Speaker's ruling was to decide the question of the complaint's merits and whether the *prima facie* test had been met. For the rest, it was for the House itself to decide how to proceed on any complaint that the Speaker determined to appear serious enough to warrant the attention of the House.

The 26 May 2003 ruling of Speaker Peter Milliken remains faithful in certain respects to the model first created by Speaker Michener. But Milliken also demonstrates a willingness to be more outspoken, a tendency that goes back to at least Speaker Fraser. Milliken did much more than decide whether the complaint satisfies the *prima facie* criterion. He used the ruling as an opportunity to present a position asserting the exclusive authority of Parliament in matters of parliamentary privilege. In doing so, he went well beyond the limits of assessing a *prima facie* complaint and became an advocate of Parliament and its rights as he saw them. Abandoning any pretence of neutrality, the Speaker criticized the judgments of the British Columbia Court of Appeal and the Ontario Superior Court. Citing *Erskine May*, the Speaker associated the privilege of testimonial immunity in Canada to that allowed by the English courts "on the grounds of usage and universal opinion".[83] Finally, before agreeing that a *prima facie* case has been established, the Speaker cited with approval a 1989 decision

[82] Speaker Lamoureux was assiduous in making rulings quickly and most were given the same day. Speaker Jerome was not quite as diligent frequently taking several days or weeks before ruling. Aside from the period of the constitution resolution reviewed above, Speaker Sauvé sometimes took a week or more before giving a ruling. Both Speaker Francis and Speaker Bosley had short tenures and Francis tended to give his rulings more quickly than Bosely. The next three Speakers, Fraser, Parent and Milliken occupied the Chair for longer periods with Milliken being the longest serving Speaker in Canadian parliamentary history. It was not uncommon for each of them to take a significant amount of time before ruling. Milliken's successor, Speaker Regan, followed this pattern and often deferred his rulings for an extended period.

[83] HC Debates, 26 May 2003, 6415

of Speaker Fraser on the same topic and shared with him a determination to defend the privileges of the House. In a bold but questionable statement, Speaker Milliken declared that "The privileges of the House and its Members are not unlimited, but they are nonetheless well established as a matter of parliamentary law and practice in Canada today and must be respected by the courts. Judges must look to Parliament for precedence on privilege, not to the rulings of their fellow judges since it is in Parliament where privilege is defined and claimed."[84] Choosing to confront the courts in this way in a procedural ruling was intemperate, unnecessary, and ill-advised.[85]

There is little doubt that such a forthright statement addressed to the courts telling them to heed Parliament with respect to privilege brought considerable satisfaction to Speaker Milliken. He took a position that championed the rights of the House of Commons, fulfilling a traditional role of the Speaker defending the interests of the House to outside bodies. Indeed, it is safe to assume that the carefully crafted decisions of the Speakers are a matter of great pride for them whatever the privilege issue. The series of Selected Decisions of the Speakers are filled with texts thoughtfully analysing and assessing the multitude of complaints of privilege that have arisen in the House over the years. But what do they achieve beyond their narrow purpose of determining whether a complaint was serious enough to warrant the attention of the House? In the end, it seems very little. The analysis and commentary of these Speakers' decisions are little more than obiter statements that have limited value. While they may guide a committee once it has been charged by the House to investigate a privilege complaint, this represents less than 20% of the decisions made by the Speakers. What then is the purpose of the remaining 80% of the cases where the complaint falls short of *prima facie* merit?[86] Also, they have done little to prevent questions of privilege from being used for partisan, tactical purposes. From this perspective, it seems that members have not learned much from these elaborate rulings.

The eighth report of the Standing Committee on Procedure and House Affairs took note of subsequent judicial activity related to the two cases from

[84] HC Debates, 26 May 2003, 6415

[85] It is settled law in Canada that the courts have authority in deciding the scope of privilege and Parliament has control over its exercise, a division of responsibility that dates back to the decision of the British Court of Queen's Bench in the case of Stockdale v. Hansard in 1839.

[86] This calculation is based on the total of 389 decisions on questions of privilege in the Selected Decisions series of which 53 were found to be of *prima facie* merit. Speaker Milliken had the highest %, of 74 decisions, 16 were *prima facie*, representing just under 25%. The total of 389 is certainly not an accurate tally since the decisions are "selected" which means among other possibilities that few of the many decisions made by Speaker Sauvé during the constitution resolution period are not included.

British Columbia and Ontario. In both instances, the effective remedy was to seek an appeal to a higher court.[87] With respect to the contested decision of the British Columbia Court of Appeal, the Supreme Court denied the request for leave to appeal. Consequently, the contempt finding against the Minister, who was also an identified party in the case, remained in place.[88] As to the decision of the Ontario Superior Court, it was overturned by the Ontario Court of Appeal based on a more thorough review of the relevant British and Canadian authorities on the privilege of testimonial immunity.[89] Nonetheless, the real focus of the committee was not the fate of these court cases, but the issue of relevance and application of the privilege of testimonial immunity and the adverse impact it might have if carried out to the fullest extent. This was why the committee referred to reports of two Westminster committees on this topic and why the committee believed the time had come to reassess parliamentary privilege, particularly in the era of the Charter of Rights and Freedoms.[90] Unfortunately, as already noted and consistent with much past practice, the eighth report was not debated in the Chamber and its recommendation was not pursued.

A closer look at the 2017 privilege case, reveals how much partisan considerations affected the debate on the narrow question of privilege dealing with unimpeded access of members on Parliament Hill. The Speaker's ruling on 6 April, found that there was a prima face case based on reports the Speaker had requested of the incident and guided by precedents of delays affecting members resulting from actions taken by the protective service charged with security on the Hill. As already mentioned, once the standard motion was proposed, debate tended to focus as much on the government's proposals to amend the Standing Orders already before the Standing Committee on Procedure and House Affairs, a project strongly contested by the opposition parties.

As part of this protest, an amendment was moved to ensure that the privilege issue would have priority in committee.[91] In addition, the ruling itself gave rise to unusual and conflicting comments by different members. One member

[87] HC Standing Committee on Procedure and House Affairs, Eighth Report, Journals, 8 March 2004, 146. At para 6, the report states: "It should be pointed out that the House of Commons was represented by counsel for the first time on this appeal." However, there is no evidence substantiating this claim in the Ontario Court of Appeal decision. The lawyers named in the judgment represented the Minister and the Attorney General of Canada as well as the lawyer for Telezone. None were named representing the House of Commons.

[88] Ainsworth Lumber Co. v. Canada (A.G.) and Paul Martin 2003 BCCA 239 and 402

[89] Manley v. Telezone (2004) 180 O.A.C. 360 (CA)

[90] The British committee reports are not specifically cited.

[91] HC Debates, 6 April 2017, 10249

went so far as to state that debate was really on "the Speaker's ruling on what took place when members of Parliament were denied access to the Hill."[92] This position might have been prompted by the praise of another member who singled out the Speaker for his initiative in ordering an investigation into the 22 March incident, while still another criticised the Speaker for the same reason, suggesting that this was the responsibility of the committee.[93] Such comments, bringing the Speaker into debate, contravene rules of debate yet the prohibition is often overlooked, an unfortunate consequence of the partisanship that routinely governs debates on privilege.

After three hours of debate, the government moved to proceed to Orders of the Day, seeking to supersede the privilege motion. The vote was successful, and debate was effectively at an end. That is until this decision, which was acknowledged to be procedurally in order, was challenged the next day as "reckless and cavalier".[94] The argument, presented as a question of privilege, was that the House had been deprived of its right to pronounce on the complaint, and given its importance as a matter of privilege, this was somehow unacceptable and inappropriate, a "dangerous precedent".[95] To bolster the argument for reinstatement, it was pointed out that the use of a superseding motion had never been used on a question of privilege according to records dating back to 1958; there was no precedent for it. On the other hand, looking at the reinstatement of questions of privilege from one session to the next, it was argued that the Speaker could do the same with the superseded motion by deciding that the original complaint retained its *prima facie* merit.

In his ruling of 11 April 2017, the Speaker began by noting that all agreed the superseding motion adopted by the House was procedurally in order. The question of privilege now being addressed revolved around the claim of a dangerous precedent by allowing a superseding motion "to permanently end further consideration of a motion as important as a question of privilege".[96] To correct this, the Speaker was asked "to effectively restart the proceedings of the question of privilege by again finding a *prima facie* case".[97] After reviewing options for reviving motions that had been superseded, the Speaker considered what would be appropriate in this case. The Speaker explained that he was guided by the fact that there was no precedent for superseding a motion of privilege as well as by his "duty to uphold the fundamental rights

[92] HC Debates, 6 April 2017, 10266
[93] HC Debates, 6 April 2017, 10251 and 10273
[94] HC Debates, 7 April 2017, 10309
[95] HC Debates, 7 April 2017, 10310
[96] HC Debates, 11 April 2017, 10451
[97] HC Debates, 11 April 2017, 10451

and privileges of the House and its members".[98] Taking these factors into account and echoing the tentative language used by Speaker Lamoureux in 1966, the Speaker determined that he was "inclined to conclude that there were sufficient grounds" to revive the superseded motion by finding again a *prima facie* question of privilege.[99]

Motivated by a misplaced sense of duty to uphold parliamentary rights and privileges, Speaker Regan improperly usurped the right of the House itself to determine the conduct of its proceedings and the disposition of motions including those on privilege. Under the pretence of a false question of privilege, the Speaker made a decision that was beyond his authority. It was agreed by all that the use of the superseding motion was procedurally permissible. It was allowed under the Standing Orders and recognised as a valid manoeuvre in House of Commons Procedure and Practice.[100] The claim that this was a "dangerous precedent" based on practices dating from 1958 could not justify a question of privilege. Indeed, no breach of privilege was identified challenging the decision of the House to supersede the privilege motion on 6 April 2017. This should have been sufficient to reject the complaint. Instead, the Speaker made references to procedures available to revive motions that misled him into thinking that he might have the authority to reinstate his decision to find the original motion again *prima facie*. In taking this position, the Speaker failed to fully appreciate the significance of the decision by the House to supersede the privilege complaint. In effect, the decision of the House to put aside the motion was also a decision to disagree with the Speaker, to find that the incident was not sufficiently important to give it priority of debate over all other business. The House had every right to make such a decision, and the Speaker had no authority to overturn it.

The confusion and misunderstanding displayed in Speaker Regan's decision reflect a tendency to neglect the origins of Ottawa's practices on questions of privilege. The innovation introduced by Speaker Michener in 1959 was a purposeful imitation to align with Westminster however poorly understood. And Ottawa's practices remain firmly rooted in those of Westminster. Not the

[98] HC Debates, 11 April 2017, 10451

[99] HC Debates, 11 April 2017, 10451

[100] Standing Order 48: When a question is under debate, no motion is received unless to amend it; to postpone it to a day certain; for the previous question; for reading orders of the day; for preceding to another order; to adjourn the debate; to continue or extend a sitting of the House; or for the adjournment of the House.

See also House of Commons Procedure and Practice, 1st ed. Robert Marleau and Camille Montpetit eds. (Ottawa, 2000), p.128; 2nd ed. Audrey O'Brien and Marc Bosc eds. (Ottawa, 2009) pp.148-9; 3rd ed. Marc Bosc and André Gagnon eds. (Ottawa, 2017) p.152; 4th ed. Eric Janse and Jeffrey Leblanc eds. (Ottawa, 2025) p.129

practices updated by deliberate reforms made in 1977, but those of an earlier era modified by changes made in 1934 by Speaker Fitzroy. In considering precedents, therefore, it is necessary to understand that it is not just the precedents of Ottawa that matter, but also those of Westminster as explained in the relevant editions of *Erskine May*.[101] In addition, as was made clear in the testimony of Mr. Louis Abraham in 1967, the use of superseding motions to displace a privilege complaint was a recognised practice confirmed by precedents.[102] None of this was considered in Speaker Regan's ruling. Had it been, the Speaker might have realised that what happened on 6 April 2017, was not a "dangerous precedent". Rather it was the House exercising its control over a question of privilege and whether it deserved to be pursued.[103] By a majority decision, the House decided that it was not.

The consequences of Speaker Regan's ruling have been serious. By foreclosing the use of superseding motions, the ruling provided further opportunities to weaponise questions of privilege for partisan purposes. Now, in addition to the ability to hijack sittings through alleged questions of privilege with lengthy exchanges discussing their merits, it is possible to completely block the consideration of all government business by filibustering debate on a privilege reference motion. In fact, this is far worse. With allegations of privilege complaints, the Speaker can end debate once the Chair is satisfied it is clear about the issue. Though this might be resisted, the Speaker will have the last word. This is not the case with debate on the motion referring a *prima facie* case of privilege to committee. The Speaker has no control over the duration of the debate which has priority over all other business under Government Orders until disposed of. And the government itself now has fewer options to try and manage the debate.

Evidence of the government's reduced ability to manoeuvre was evident during the debate that followed Speaker Regan's decision of 11 April 2017, reinstating the privilege complaint of 22 March. Debate continued over four days, during which no other business took place.[104] The opposition fully

[101] See Thomas Erskine May, Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 17th ed., Sir Barnett Cocks ed. (London, 1964). p.405; 20th ed., Sir Charles Gordon ed. (London, 1983) p.388; 25th ed., Sir David Natzler and Mark Hutton eds. (London, 2019) pp.444-5

[102] *UK Report from the Select Committee on Parliamentary Privilege, 1967*. Memorandum of Mr. L.A. Abraham. p.109 and footnote (q)

[103] A comparable practice arises with the use of the hoist as a superseding motion applied to the debatable reading motions of a bill. If adopted, proceedings on the bill are at an end. The hoist functions as an indirect negative and, if adopted, is fatal to the bill which cannot be revived except by rescinding the results of the hoist motion.

[104] The days of debate were 11 and 13 April and 1 and 2 May 2017.

recognised the leverage they had and did not hesitate to express their gratitude to the Speaker for giving it to them.[105] The government, on the other hand, acknowledged its weakened position, despite its majority. As debate continued, the government gave ground to the opposition and stated its willingness to accept the privilege complaint and agreed to giving priority to it in committee and reporting no later than 16 June, before the summer adjournment. Still the opposition was not prepared to yield, and the government took the drastic step of invoking closure to end the debate, the only option readily available to it. Notice was given on 2 May and the vote on closure took place the next day. With the motion under closure, an agreement was announced to end the debate deeming the motion, amendment and sub-amendment adopted with a recorded division to take place the next day. The result of the vote was 283 to 0.

Unprecedented disruption (2024)

The potential scale of disruption to parliamentary business using debate on a privilege reference motion became clear in late 2024 after the minority Trudeau government failed to provide documents ordered by the House in relation to activities of Sustainable Development Technology Canada (SDTC).[106] Following a report of the Auditor General describing questionable practices of SDTC, the House ordered on 10 June 2024 all relevant documents from the government, which could be used in a possible investigation into SDTC operations by the Royal Canadian Mounted Police (RCMP). The government provided some of this material over the summer, but much of what was not refused or withheld was in redacted form. The official opposition raised a question of privilege on 16 September 2024, at the resumption of sittings. Its complaint about the government's refusal to comply with the House order was supported by the Bloc Québécois (the 'Bloc') and the NDP. Speaker Fergus gave his ruling on 26 September. He found that there was a *prima facie* case, but he had concerns given certain doubts raised by the Auditor General and RCMP about these documents and their potential use. Accordingly, he suggested that it would be more acceptable if the motion of privilege were in standard form referring the whole matter to the Standing Committee on Procedure and House Affairs for its assessment.

And so, the debate began. As it turned out, it would continue without reaching a decision until 17 December 2024, when the House rose for the

[105] A member thanked the Speaker for "the appropriate ruling" because the Speaker "stood up to the face of opposition from the government ministers." HC Debates, 11 April 2017, 10451-10452

[106] Sustainable Development Technology Canada was created in 2001 as an arms-length agency of government to fund new clean technologies.

winter adjournment. The debate went on for more than eleven weeks, an unprecedented 48 out of 56 sitting days. This marathon filibuster was driven by the insistence of the Conservatives that the government hand over all documents as ordered by the House. At first, they had the support of the Bloc and the NDP, but as debate dragged on well into October, both parties began to object that prolonging debate was keeping the House from its legislative work. Nonetheless, neither party gave any indication that they would join the government to end the debate through closure, nor did the government ever suggest that it was prepared to take such a step. Throughout, the Conservatives remained adamant and having already moved an amendment, proposed a sub-amendment and then another to keep the debate going.

For its part, the government repeated often its support for the motion on privilege under debate, to have the whole affair put before the Procedure and House Affairs Committee. As the debate continued day after day without resolution, the Conservatives were the only ones to speak while the other parties participated with questions and comments. Frustration mounted and the mood in the Chamber became increasingly acrimonious and bitter. Almost as a distraction, there were frequent and pointless quorum calls to bring members back into the Chamber during the never-ending debate To everyone, it was obvious that while the debate was motivated by parliamentary privilege, its objective was not exclusively focussed on the vindication of the rights of Parliament, it was also done in the hope of defeating the Prime Minister and his Liberal government and of forcing an election. Public opinion polls motivated the Conservatives to push hard in an all-out effort to achieve these objectives. In their relentless pursuit, the Conservatives clashed with both the Bloc and the NDP as well as the Liberals. This was more than an issue of privilege; it was partisan politics with weaponised privilege furnishing the platform for debate.

Not much substantive parliamentary business was conducted during this period. The government survived three non-confidence motions. Only three bills were passed: one by unanimous consent; another through adoption a disposition motion and the third was the supplementary estimates bill adopted on 10 December.[107] Other bills remained on the Order Paper and were never called for consideration. In addition, many committee reports were debated under three-hour concurrence motions moved under Routine Proceedings followed by recorded divisions the same day or the next. The latter proceeding, debating the adoption of a committee report, was unusual, but it helped to pad the daily proceedings as an indirect way to sustain the privilege debate.

[107] Bill C-76, the National Parks Act, adopted at third reading 28 September 2024 and Bill C-78, An Act respecting the temporary cost of living (affordability) adopted at third reading 28 November 2024.

The Speaker too was caught up in the tension building in the House and on 19 November went so far as to name three members in quick succession for disregarding the authority of the Chair.

One day later, the Speaker informed the House of his concern for the business of Supply and the obligation to call allotted days before the end of the current supply period on 10 December. With the parties unable to negotiate an agreement, the Speaker intervened again on 2 December to set allotted days through four successive sitting days starting Thursday, 5 December through Tuesday 10 December. These four days proved difficult with frequent bickering among the members. Several futile attempts were made to move amendments to these supply day motions while concurrence motions on committee reports cut into the time allowed for debate on some of them. After Supplementary Estimates "B" was voted on 10 December, the House once again returned to proceedings on the privilege motion accompanied by more concurrence debates. There was added agitation on 16 December with the sudden resignation of the Minister of Finance and an awkward tabling of the government's economic statement. On the last day before the winter adjournment, yet another concurrence motion was moved, and quorum was called one more time before it all came to an end at 3.47pm A few weeks later, the session was prorogued and, on 23 March 2025, the 44th Parliament was dissolved.

The long, drawn-out and ultimately inconclusive debate represented a new level of escalation in the weaponisation of parliamentary privilege. It may not be soon repeated, but that it happened at all is disturbing. The obstruction that occurred over eleven weeks undermined the principles of parliamentary democracy. A minority of the House had control of its proceedings. Prioritising tactics and partisanship under the guise of parliamentary privilege, the official opposition was able to cripple the ability of the House of Commons to function. Unable to win non-confidence votes, they were prepared to derail the operations of the House as long as they could. Parliamentary privilege gave them the means and opportunity to do it. Unending debate on a motion that had priority over all other business became the means of obstruction. Benefiting from the precedent of 2017, the only obstacle in their way was closure which, in this case, was no obstacle at all. Success in hijacking the House over so many weeks is evidence of the real harm done by the practices that developed in the treatment of complaints of privilege since 1959.

Diagnosis

Beginning with the Speaker's decision to share with members the Chair's role in assessing complaints of privilege, combined with the general indifference of members to the subject, the consideration of questions of privilege became

susceptible to partisan interests and manipulation. Simply raising a complaint became a means to interfere with the business of the House. Insisting on the "right" of members to contribute to the evaluation of *prima facie* deliberately prolonged this preliminary stage and undermined the Speaker's authority which has continued to gradually decline. Carefully crafted rulings have done nothing to reverse this trend. The reforms of 1965 also had little impact as is evident from the Munsinger affair that happened less than a year later. The negligible results of the committee created to review parliamentary privilege between 1974 and 1978 demonstrated members' lack of interest which has been matched with equal indifference by committees appointed to bring in reforms in the 1980's and by abandoned efforts to study privilege in 2004 and 2017. Using a barrage of questions of privilege to trigger the process of *prima facie* became a chosen tactic which together with objections on points of order sought to block the government's project to patriate the constitution. Obstruction through such practices rather than debate became a viable and sometimes preferred strategy that worked. The weaponisation of privilege was further enhanced when in 2017, the Speaker improperly overruled a decision of the House and reinstated debate on a motion of privilege. This decision deprived the House of options to deal with privilege motions by eliminating superseding options to dispose of debate. This led directly to the filibuster that carried on from end-September to mid-December 2024.

During a contentious sitting when the House was dealing with the patriation of the constitution, Speaker Sauvé had occasion to note that the treatment of questions of privilege at Westminster was now quite different.[108] Left unsaid was that Ottawa's practices since 1867 remain firmly based on those of Westminster through a process of deliberate imitation. Prima facie and earliest opportunity had been introduced in 1959 with this unstated justification. However, the implementation of this innovation by Speaker Michener was flawed. Though well intended, inviting members to assist him in the evaluation of an alleged complaint of privilege was a serious error. The Speakership has paid a steep price for this mistake. Its ability to guide the House has been impaired, respect for the Chair has declined, and its authority has suffered. The House too has been damaged. Its fundamental operating principles to hear the minority while allowing the majority to make decisions have been jeopardised. Its capacity to function "fairly and effectively" has been seriously eroded leading to the events of 2017 and 2024. Members quickly accepted their new role so that when the damaging consequences became apparent, it was too late. The involvement of members in assessing the merits of a question of privilege was thoroughly embedded in practice. This reality together with the continuing reluctance

[108] HC Debates, 31 March 1981, 8806

of members to address possible reforms to parliamentary privilege and its treatment despite the obvious need for it has created the serious risks that confront the House today.

Potential remedies

Nothing will change unless and until members accept their responsibility to do something, to take parliamentary privilege seriously. There are options. Using the old version of Westminster practice as a framework is one of them. To begin with, the period of notice could be changed to one day, or at least to more than one hour just as Mr. Olson suggested years ago. The written complaint should explain what privilege has been breached, state the *prima facie* case, that it is being raised at the earliest opportunity as well as indicating the motion proposed to be moved. The absence of any of this information should nullify the notice and keep the matter from being raised in the House. Any delay could also undermine the claim that the complaint is being brought up at the earliest opportunity. In presenting the complaint in the Chamber, the member should rely on the arguments of the notice with minimal reference to past precedents. At its core, the complaint being raised depends on the specifics of the situation at hand. The evaluation of any relevant precedents is more properly the responsibility of the Speaker. The time for making the complaint could also be set no longer than twenty minutes, the usual time allowed for most speeches. Should the House still prefer to hear other members, these interventions should be kept brief. There are ways to do this without repeating the error made in 1959. One possibility might be to allow one intervenor from each party to indicate simply whether they accept that there is a *prima facie* breach. Another would be to allow time for questions and comments from a representative of each party for of total of ten minutes. In either case, no allowance should be given to any request of a member to comment at a later time. Once the complaint has been heard, the Speaker should decide the matter quickly with a ruling focussed on whether there is a *prima facie* case raised at the earliest opportunity. If the decision cannot be made immediately, the Speaker should deliver a ruling no later than the next sitting day.

Alternatively, Ottawa could follow Westminster's current practice of managing privilege complaints in private. Confidential communications between the member and the Speaker should follow the same criteria just mentioned. If the Speaker decides that a *prima facie* case has been made out, the decision would be announced to the House with a motion to be placed on the Notice and Order Paper by the member that would be called the next sitting day at the appropriate time. The Speaker could go beyond the limited statement made at Westminster by also giving a general idea of the complaint or this could be done by the member. In either case, the remarks should be

kept brief and avoid any argumentation. Its purpose would be to give members who might wish to participate in next day's debate some information about the nature of the complaint. Based on the evidence and history of this approach at Westminster, this procedure should keep the focus of the proceedings on the privilege complaint. If the Speaker determines there is no *prima facie* case or that the matter has not been raised at the earliest opportunity, the member would be unable to raise the matter in the House, and this decision would not be disclosed to it.

Regardless of the approach implemented, its goal should be to cut down opportunities for partisanship during this preliminary stage. In line with this objective, limits should also be imposed on the time given to the debate on the privilege motion referring the complaint to the Procedure and House Affairs Committee, the standard motion used in most cases. Whatever the situation, debate on this motion should be set for a maximum time, perhaps no more than four hours or so. In addition, such time would not impact Government Orders which would be extended to match the time taken in debate on the reference motion. Another option would be to have this debate, which would be amendable, treated somewhat like an emergency debate that would begin at the ordinary hour of adjournment. Placing it outside Orders of the Day would eliminate the opportunity to hijack government business. Debate on the privilege motion, like an emergency debate, could continue up to midnight except Friday when it would end at 4.00pm unless it were deferred by agreement to another day. Any recorded vote would normally be delayed to the next sitting day. As well, a motion to adjourn the House would be allowed as an equivalent superseding motion that would terminate proceedings and be a signal that the House has determined that the matter does not deserve further attention.

These changes or a variation of them would require a deliberate decision of the House. The Speaker acting alone would find it challenging to reclaim a responsibility that has been shared with members for decades. While the Speaker has some discretionary authority to curtail discussion, established practice would make it difficult to effectively assert exclusive control without the cooperation of members. The Speaker would be exposed to criticism for disregarding acknowledged practices that have existed for years. Moreover, any action taken by the Speaker alone would not address more fundamental issues that have plagued the treatment of privilege complaints and brought about its weaponisation. Far better would be a reference from the House to the Standing Committee on Procedure and House Affairs or a special committee on parliamentary privilege to review the history of practices related to the consideration of privilege with a clear mandate to recommend changes aimed at eliminating features that lend themselves to partisan manipulation.

Any committee charged with the task of reforming how questions of privilege

are managed will inevitably have to deal with the definition and meaning of parliamentary privilege. To get it right, the committee should evaluate privilege in its contemporary context, operating in an environment that includes the rights and freedoms of the Charter. This will take the committee well beyond the definition of *Erskine May* quoted by Speakers, members, and different parliamentary manuals for decades.[109] It will not be enough to define privilege as the sum of peculiar rights possessed by the House and enjoyed by members in the exercise of their functions. More must be said to understand what these privileges really are and the purpose they serve. For this, it will be useful to consider anew the memorandum of Mr. Louis Abraham. Though not entirely applicable to Ottawa, he offered a clear explanation that laid out the boundaries of privilege, identifying specific rights and powers exercised by the House to sustain its authority and those immunising members from certain civic obligations or legal constraints.[110] With this information, members can put forward a view of parliamentary privilege more suitable to the democratic environment in Canada in the 21st century.

Once the committee has successfully grappled with the meaning and purpose of parliamentary privilege, it will be in a better position to consider options on the treatment of privilege complaints as described above. One benefit of this exercise should be to reestablish the distinction between questions of privilege and points of order, a distinction that has been blurred since 1959. With respect to the latter, long-established practice has the Speaker and members exchanging views to determine the correct, or at least an acceptable, interpretation of the rules and practices of the House. Considering whether a *prima facie* case has been made out and at the earliest opportunity is not of the same character. It is rather a narrow procedural issue for the Speaker to decide as the Chamber's presiding officer with the role of guiding its proceedings. members, on the other hand, have the task of determining what course should be taken once the Speaker decides that a *prima facie* case has been made out.

The success of any of these measures will be the extent to which the treatment of privilege is no longer easily susceptible to weaponisation, the extent to which it is no longer strategic to manipulate it for partisan purposes. There is,

[109] The accepted definition first presented in the in the 14th edition of *Erskine May* remains substantively the same to this day. See Thomas Eskine May. *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament*. 14th ed., Sir Gilbert Campion ed. (London, 1946), p.41 and 25th ed. Sir David Natzler and Mark Hutton eds. (London, 2019), p.239

[110] The relevant corporate rights of the House consist of: attendance of members; control over proceedings; management of its composition; power to investigate and to hear witnesses under summons; power to administer oaths; power to punish for breaches of privilege and contempts. The rights of members consist of freedom of speech; freedom from arrest in civil matters; and exemption from jury service and attendance at court as a witness.

however, another factor that requires attention to better ensure the success of this effort. In addition to the changes suggested above to curb the temptation of using privilege complaints to deliberately waste the time of the House, there is also the issue of dubious or bad precedents. Precedents constitute the history of past decisions when the House asserted its privileges by addressing contempts or offences to vindicate its authority. Precedents are used to guide the Speaker, members, and the House in assessing situations where privilege might be at issue. Over the last sixty-five years, there have been numerous precedents have been decided that are not trustworthy, that should be rejected. That they have been accepted without question is due to some confusion and misunderstanding about what privilege is really about. Two interrelated factors account for much of this carelessness: one is giving members too much leeway whenever a question of privilege is alleged; the other is the failure to distinguish questions of privilege from points of order. Their cumulative history has had an impact. As part of any reform, the Speaker should seek to limit the time taken in such mistaken proceedings. That this has not happened for years has led to precedents and practices that have trivialised privilege and diminished its proper importance. This situation has become so ingrained, so embedded that the House has become trapped by these precedents and claims of alleged privilege. The resulting damage done will be explored in Part II of this article.

Concluding remarks

There is a direct link between the decision of 1959 of Speaker Michener and the eleven-week filibuster that crippled the House of Commons in late 2024. Sharing with members a responsibility of the Chair in assessing privilege complaints led within a short time to its weaponisation. This abuse continued unquestioned for years due mainly to the indifference of members to the subject of privilege despite it avowed importance and the obvious harm being done. It was accepted as part of parliamentary experience. The decision of the Speaker in 2017 made the situation much worse. It revealed the badly distorted understanding of the Speaker's role and escalated the weaponisation to further undermine the purpose of privilege and threaten the principles of parliamentary democracy. Perhaps the time has finally come to take the situation seriously and do something about it.

MISCELLANEOUS NOTES

AUSTRALIA

House of Representatives

Safety and respect in Commonwealth parliamentary workplaces

On 16 May 2024, responses to the Standing Committee on Procedure's report *Raising the Standard: inquiry into recommendations 10 and 27 of Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces* were presented by the Speaker and the Leader of the House, on behalf of the government. The government agreed to bring forward a recommended amendment to standing orders relating to sanctions against disorderly conduct. Notice of proposed changes to standing order 94, which would give the Speaker the power to direct a member to leave the Chamber for three hours where there is continued or escalating disorderly conduct, was given by the Leader of the House in early July; however, the motion was not moved during 2024.

Legislation to establish the Independent Parliamentary Standards Commission (IPSC) was introduced in August and passed by both Houses in September, in response to recommendation 22 of the *Set the Standard* review into Commonwealth parliamentary workplaces. The IPSC has a range of investigatory and decision-making functions, including the ability to refer certain serious conduct issues to the privileges committee of either House for consideration. The legislation also established a statutory Parliamentary Joint Committee on Parliamentary Standards, with responsibility for regular review and monitoring of the operation of the IPSC and of new behaviour codes (see below), as well as reviewing nominations for IPSC commissioners.

Following the establishment of the IPSC, the House resolved on 9 October to amend standing order 216 to include a new power for the Committee of Privileges and Members' Interests to consider and report on serious breach findings which may be referred to it by the IPSC. The House also agreed to a motion relating to the powers and proceedings of the new Parliamentary Joint Committee on Parliamentary Standards, which was reported to the Senate and agreed there the next day.

On 10 October 2024, the House and Senate then resolved to approve the standards of behaviour and behaviour codes first endorsed by the Parliament in February 2023, with effect from 14 October. These include Behaviour Standards for Commonwealth Parliamentary Workplaces, a Behaviour Code for Australian Parliamentarians and a Behaviour Code for Staff Employed Under the *Members of Parliament (Staff) Act 1984*, subject to a determination by the Special Minister of State.

Special events

In February, two foreign leaders visited and addressed Parliament: the Hon James Marape MP, Prime Minister of Papua New Guinea, on 8 February, and His Excellency Ferdinand R Marcos Jr, President of the Republic of the Philippines, on 29 February. Consistent with contemporary practice for such addresses, both leaders addressed sittings of the House, with senators invited to attend as guests.

On 1 July, Her Excellency the Hon Ms Sam Mostyn AC was sworn in as the 28th Governor-General of the Commonwealth of Australia. As is tradition, the official swearing-in took place in the Senate Chamber with members, senators and other invited guests in attendance. Following the ceremonial events, the House met later than usual, at 11.30am, pursuant to a resolution agreed at a previous sitting.

On 21 October, parliamentary service staff provided support for a Royal Visit from Their Majesties King Charles III and Queen Camilla to Parliament House, part of the Royal Visit to Australia from 18 to 23 October 2024. The King and Queen made their official visit to Canberra, first visiting the Australian War Memorial before arriving at Parliament House. The Federation Guard and the Band of the Royal Military College provided a ceremonial welcome on the forecourt and the King and Queen were welcomed by the Prime Minister, Leader of the Opposition and the Presiding Officers. They were then invited into the Marble Foyer, where official guest books were signed. A reception was then held in the Great Hall, attended by current and former parliamentarians, community leaders and other prominent Australians, during which the King made an address.

Security in the parliamentary precincts

On 4 July, the final day of winter sittings, a security incident occurred at Parliament House involving protesters supergluing themselves to columns in the Marble Foyer while, at the same time, other protesters bypassed security fences and scaled the front of the building to raise banners. Prior to Question Time that afternoon, the Speaker informed the House that he had directed that access to the public galleries be limited because of the incident, that those responsible for the incident had received penalties and been banned from the building, and that he and the President of the Senate had requested an investigation of the events. Following the Speaker's statement, the Prime Minister and the Leader of the Opposition made statements on indulgence in relation to the incident, giving support to the actions of the Presiding Officers, parliamentary security staff and the Australian Federal Police in managing the incident and the protesters.

On 10 September, following a similar exercise held in the Senate wing in

2023, the House of Representatives wing of Parliament House, including for the first time the House Chamber during normal hours of sittings, took part in a lockdown exercise. At 7.30pm, in place of the adjournment debate and pursuant to a resolution made earlier that day, the House was suspended to allow for the exercise to take place. The Speaker, members, Clerks and other parliamentary staff participated in the exercise, which simulated a security incident occurring in the Chamber. At the conclusion of the exercise, the Speaker resumed the Chair and made a brief statement before adjourning the House until the next day.

Senate

Senators

Three casual vacancies arose in the Senate in 2024.

First, Senator Patrick Dodson resigned his place as a senator for Western Australia on 26 January. In accordance with section 15 of the Constitution, the Western Australian Parliament chose Varun Ghosh to fill the casual vacancy.[1] Senator Ghosh is the first Australian senator to be sworn in on the Bhagavad Gita.

Secondly, Senator Linda White died in office following a period of illness on 29 February. The Senate considered a condolence motion on 19 March, after which it adjourned as a mark of respect. Senators paid tribute to Senator White's service as a representative of the State of Victoria and acknowledged her advocacy as a champion of social and economic justice. The Victorian Parliament chose Lisa Darmanin to fill the casual vacancy.

Finally, Senator Janet Rice resigned her place as a senator for Victoria on 19 April, with the Victorian Parliament choosing Steph Hodgins-May to fill the casual vacancy.

Establishment of Independent Parliamentary Standards Commission

In September the Parliament passed a bill to establish the IPSC to investigate alleged breaches of behavioural codes for members of parliament and their staff and behaviour standards for Commonwealth parliamentary workplaces. The Senate and the House adopted the relevant codes by way of a joint resolution, initiated in the Senate on 9 October.[2]

The Senate also adopted minor amendments to standing orders to facilitate consideration by the Privileges Committee of matters that may be referred

[1] https://www.aph.gov.au/About_Parliament/Senate/Practice_and_Procedure/Constitution/chapter1/Part_II_-_The_Senate#chapter-01_part-02_15

[2] https://www.aph.gov.au/Parliamentary_Business/Chamber_documents/Senate_chamber_documents/standingorders/Standards_of_behaviour_and_behaviour_codes

by the IPSC, and consideration by the Senate of related reports from the Privileges Committee.

The IPSC legislation also established the Parliamentary Joint Committee on Parliamentary Standards to oversee the new commission, bringing the total number of joint statutory committees to nine.[3] On 10 October, the Senate agreed to a resolution of appointment for the new committee, setting out matters relating to its powers and proceedings. A novel aspect of the legislation is that the members of the joint committee must be drawn from the Privileges committees of each House.

Legislation

Two sitting days in September were largely devoted to debate on the *Help to Buy Bill 2023* and a related bill, which proposed to allow Housing Australia to enter shared equity arrangements with home buyers.

The debate reflected something of a stalemate, with the Opposition and the Australian Greens declining to support the bills but also declining to allow them to come to a vote. On the initiative of the Greens, the Senate deferred further consideration of the bills to 26 November.

In an echo of proceedings on the *Housing Australia Future Fund bills*,[4] there was some speculation that the government may treat this deferral as the first leg of a double dissolution trigger for the purposes of section 57 of the Constitution relating to disagreement between the Houses.[5] In this case, the motion to defer the bills to 26 November also provided for them to be guillotined on that date, possibly to counter any argument that the deferral amounted to a failure to pass the bills.

At the appointed hour on 26 November, the bills were passed, with support from the Australian Greens and with government amendments to ensure that the proposed scheme aligned with state and territory legislation.

A record 32 bills passed under a guillotine on the final sitting day of 2024. The Senate spent about as much time voting on those bills and amendments—some 4 hours and 46 minutes—as it spent debating government legislation over its final two days.

Censure motions and suspension of a senator

The November sittings commenced with debate on two motions to censure

[3] https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Parliamentary_Joint_Committee_on_Parliamentary_Standards

[4] See Miscellaneous Note in *The Table*, vol 92 (2024), pp.169–171

[5] https://www.aph.gov.au/About_Parliament/Senate/Practice_and_Procedure/Constitution/chapter1/Part_V_-_Powers_of_the_Parliament#chapter-01_part-05_57

crossbench senators for conduct that occurred outside of the proceedings of the Senate. The first motion censured Senator Thorpe for 'disruptive and disrespectful conduct' during a 'Parliamentary Reception for Their Majesties King Charles III and Queen Camilla' held at Parliament House, and for her 'disrespect of democratic institutions'. The second motion responded to posts made by Senator Babet on social media, censuring him for 'his inflammatory use of hate speech, designed to drive division for his own political benefit'. Each motion called on all senators to engage in debates and commentary respectfully.

The Senate also suspended Senator Thorpe for disorderly conduct, following an incident during proceedings on 27 November that culminated in Senator Thorpe tearing up papers and throwing them at Senator Hanson. The incident led the President to make statements before naming the Senator in accordance with standing order 203. A senator named under that standing order is called on to make an explanation or an apology. Any senator may then move a motion proposing that the senator be suspended from the sittings of the Senate.

The President advised Senator Thorpe that she intended to make a statement to the Senate and invoke the procedures in standing order 203. The President then indicated that, by declining to attend the Senate, Senator Thorpe had denied herself the opportunity to make an explanation or apology. On the motion of the Leader of the Government in the Senate the Senate voted to suspend Senator Thorpe until the end of the sittings on the following day.

Senators' qualification under the Australian Constitution

Senator Thorpe's protest at the reception for the King, and subsequent media appearances, led to commentary about the requirement, in section 42 of the Constitution, for senators to make and subscribe an oath or affirmation of allegiance before taking their seats in the Senate. Had Senator Thorpe breached or rescinded the affirmation she made on 1 August 2022 and, if so, what were the consequences? The President made a statement on 18 November explaining that subsequent adherence to the oath or affirmation of allegiance does not go to the qualification or disqualification of senators, the only grounds for which are set out in sections 44 and 45 of the Constitution.

Separately, in correspondence to the President, Senator Hanson alleged that Senator Payman had provided insufficient evidence that she had taken reasonable steps to renounce her Afghan citizenship.

The President pointed to the procedural constraints each House had placed on the consideration of possible disqualification matters. These resolutions provide that a motion to refer a matter to the Court of Disputed Returns may only be moved if the possible disqualification arises from facts not disclosed on the qualification checklist required of candidates for election, and then

only after the Senators' or Members' Interests Committee has considered and reported on the matter. This approach was recommended by the Joint Standing Committee on Electoral Matters following a number of disqualifications in the 45th Parliament.

In this case, the relevant disclosures were made by Senator Payman on her qualification checklist with her nomination for election to the Senate. This meant the procedural constraints in the qualifications resolution prevented the President putting the matter before the Senate. Senator Hanson's motion sought to suspend these constraints. When the motion was moved, the Manager of Government Business endorsed the approach set out in the resolution, stating that 'the government did not support suspending the resolution to get around these well-considered constraints'. The motion was negatived, three votes in favour and 35 against.

Australian Capital Territory Legislative Assembly

Code of conduct for members – reports dealing with alleged breaches

On 6 February the Standing Committee on Administration and Procedure presented a report on the conduct of a member and the Assembly adopted the recommendation in the report that the member apologise for breaching the code. As the member was not in the Chamber when the report was tabled, after question time that day the member addressed the Assembly and apologised.

On 14 May the Standing Committee on Administration and Procedure presented its report on the conduct of two Ministers. The report found that no breaches of the members code had occurred, and no further action was taken by the Assembly.

Speaker presents report of Ms Lynelle Briggs, AO, relating to the Handling of Certain Allegations made against a member

On 6 February 2024 the Speaker presented the Report of a Review by Lynelle Briggs, AO into Certain Allegations against a member, dated 6 February 2024. The report made five recommendations, three of which were directed to the Assembly, one to the Executive and one to the ACT Greens.

On 27 June 2024 the Speaker made a statement to the Assembly on behalf of the Committee giving its response to the recommendations of Ms Briggs, advising the Assembly about a number of steps that had been taken to clarify and improve policy guidance, reporting information and general awareness of the issues raised in the report. The statement noted that the Child Safety Code of Conduct and Policy and the Respect in the workplace Policy had been updated and signed by the Speaker, Chief Minister, Leader of the Opposition, Leader of the ACT Greens and the Clerk and circulated to all building occupants, with the Speaker presenting both documents to the Assembly. A comprehensive

reporting and complaints referral framework was also developed and circulated to all those working in the Assembly building.

Kiribati delegation report presented
On 8 February 2024, and whilst a visiting delegation from the Kiribati Parliament was present in the Chamber, the Deputy Speaker presented a report of the delegation he was a part of along with another MLA that had visited Kiribati from 19-24 November 2023. Both members of the delegation made statements which praised the strength of the twinning arrangement that exists between the Legislative Assembly and the Parliament of Kiribati.

Secondary care leave granted for the first time
On 19 February 2024 the Speaker informed the Assembly that, pursuant to standing order 22, secondary care giver leave had been granted to Mr Steel. This was the first time that this type of leave had been granted to a member since the standing order was amended last year.

MOU between the Speaker and the Work Safety Commissioner tabled
On 19 March 2024 the Speaker presented a memorandum of understanding between the Speaker and the ACT Work Health and Safety Commissioner. The MOU was drafted in response to a recommendation of a Privileges Committee which found the Work Safety Commissioner in contempt.

Speaker presents Bill
On 20 March 2024 the Speaker presented the *Remuneration Tribunal Amendment Bill 2024*. The Bill provides that additional remuneration is payable to a member of the Legislative Assembly who acts in an office, e.g. the Chief Minister, Minister, Speaker, Leader and deputy leader of the opposition, government, opposition and crossbench whip, and a presiding officer of a committee where that person acts in the position continuous period of 60 days. The Bill was passed by the Assembly on 15 May 2024.

Record number of divisions
On 20 March 2024 the Assembly debated the *Births, Deaths and Marriages Registration Amendment Bill 2023*. A Greens member proposed nine amendments to the Bill, and thereafter the Assembly divided (what we think is a record number) seventeen times. The shadow Minister indicated that the reason she was calling the large number of divisions was because the effect of the amendments was to change the age at which a young 14-year-old person can apply directly to the Register-General to change their sex and or given name without the consent of a parent or parents.

Dissent from Speaker's ruling motion moved
On Thursday 6 June 2024 the Speaker ruled that a notice of motion in relation to a referral to an Assembly Committee lodged by the Leader of the Opposition was out of order as it breached the continuing resolution No. 10 in relation to the *sub judice* convention.

In accordance with a newly adopted standing order, the Leader of the Opposition moved that the ruling of the Speaker be dissented from. After a time limited debate, the question was negatived, after a vote of the Assembly.

Statement of reasons as to why there were departures from recommended appropriations
On 25 June 2024 the Treasurer presented the *Appropriation (Office of the Legislative Assembly) Bill 2024-25*, together with a statement of reasons as to why there were departures from recommended appropriations for the Office. This statement is a requirement under the Financial Management Act.

Conscience votes
The Assembly saw two items of business that involved a conscience vote. The first was the *Voluntary Assisted Dying Bill 2024*, and in a number of divisions it was clear that a conscience vote was being exercised by members. The other occasion was in relation to a motion moved by a government backbencher in relation to voluntary assisted dying and access by persons who have a loss of capacity which was debated on 6 June 2024.

Election
On 19 October 2024, an election for the Legislative Assembly was held bringing an end to the four-year term of the 10th Assembly which had commenced from its first sitting on 3 November 2020.

Some interesting procedural highlights for the 10th Assembly were:

- 73 petitions with more than 500 signatures referred to Assembly committees
- 7 inquiries and reports produced on those petitions referred
- 181 bills referred (upon presentation) to Assembly committees
- 51 bills (28%) inquired into, and reports presented on those bills referred
- 111 government responses to Assembly resolutions which required the government to report back to the Assembly on action undertaken
- 2 members named and suspended
- 3 members that resigned
- 11 members investigated by the Assembly's Commissioner for Standards
- 16 alleged breaches of the code of conduct that the Commissioner for Standards declined to investigate, and 11 that were investigated
- 5 members found to be in breach of the code of conduct who were

required to apologise to the Assembly
- 4 statements of reasons presented by the Treasurer as to why the Executive had failed to fund the recommended appropriation for the Office of the Legislative Assembly suggested by the Speaker
- 6 co-sponsored bills
- 6 co-sponsored motions
- 6 times an Auslan interpreter was on the floor of the chamber
- 2 members were granted maternity/paternity leave (one member was granted 18 calendar-weeks (11 sitting-weeks) maternity leave, and another member was granted paternity leave for four calendar-weeks (two sitting-weeks)
- 14 private members' bills that were enacted into law
- 8 select committees established (including a Privileges Committee investigation into the Work Health and Safety Commission placing a prohibition notice on the Assembly preventing the holding of any committee hearings in the building)
- 12 ministerial statements on overseas trips made/tabled.

Committee finds that a member breached the code of conduct, and the report is released out of session four days prior to the election

On 15 October, the Standing Committee on Administration and Procedure presented a report on the conduct of a member with a recommendation in the report that the member apologise in writing to the Speaker for breaching the code. The report was released out of session just four days out from the Territory election, which was held on Saturday 19 October. The report was tabled in the Assembly by the new Speaker of the 11th Legislative Assembly when it first met on 6 November 2024. Although the Assembly had not adopted the report (which is the normal practice), on Tuesday 3 December, the Speaker tabled a letter of apology from the member dated 19 November 2024.

Thirteen female members elected to the 11th Assembly

At the Territory election held on 19 October, there were 13 female members elected. There were 19 members re-elected, and six new members elected. Ten Labor, nine Canberra Liberals and four ACT Greens members were elected. Two independents were also elected.

The first meeting of the 11th Assembly was held on Wednesday 6 November. It was noticeable that all 25 members who took an oath or affirmation chose to do so to the people of the Australian Capital Territory rather than the King, or both, to the people and the King (which were the three options available to them).

Opposition member and crossbench member elected to Speaker and Deputy Speaker positions

At the first sitting, the Chief Minister nominated an opposition MLA (Mr Mark Parton who had held the position of Deputy Speaker in the 10th Assembly) to be the Speaker and Mr Parton was elected unopposed. Mr Andrew Braddock (who had been the ACT Greens whip in the previous Assembly) was elected unopposed as Deputy Speaker. This is the first occasion that both positions have been held by members not from the governing party.

Thereafter, Mr Andrew Barr was elected Chief Minister in a vote with the Canberra Liberals leader, Ms Leanne Castley, by a margin of 16 votes to nine.

The Labor Party had secured a supply and confidence agreement with the Greens and one independent, with the Greens electing not to take positions as ministers (as they had for the last two Assemblies). The Labor Government formed a minority government with 10 out of 25 members.

Dress code for the Assembly

At the sitting on 3 December, the Speaker made a statement drawing attention to the fact that, having had members raise the matter privately with him about dress codes in the chamber, one of the newly elected independents had not worn a tie. The Speaker indicated that he had discussed the matter with the member and that, despite the Speaker's disappointment, the member had indicated that he does not wish to ever wear a tie in the chamber.

The Speaker noted that it had been the practice since self-government for male members to wear a tie which he believed reflected a level of respect for the parliament and the constituents of the Territory, but that he would not be making a ruling that a member cannot participate in proceedings should they not be wearing a tie. The Speaker indicated that he would be insisting that male members who occupy the Speaker's Chair wear a tie.

The statement attracted significant comment on social media.

Standing committees established for the 11th Assembly

On Wednesday 4 December, the Assembly established six standing committees, with one having six members, one having five members, one having four members and three having three members.

One of the committees established (Standing Committee on the Integrity Commission and Statutory Office Holders) had the effect of splitting the Auditor-General across two committees (with one the Standing Committee on Public Accounts and Administration– focusing on Auditor General reports). Interestingly, the Standing Committee on Administration and Procedure (which is chaired by the Speaker and consists of the three whips for the three parties represented in the Assembly – as is established by standing orders) has

the following arrangement for the two independent members of the Assembly:

The Independents for Canberra member and the Fiona Carrick Independent member may attend and participate (without voting) at meetings of the Standing Committee on Administration and Procedure when Assembly and private members' business is ordered, and at any other time a majority of members of the committee invite those members attend

Legislative Assembly of New South Wales

State Apology for the criminalisation of homosexuality

2024 marked the fortieth anniversary of the passage of the *Crimes (Amendment) Bill 1984* which amended the *Crimes Act 1900* to end the criminalisation of homosexuality in New South Wales.

To mark this significant anniversary, on Thursday 6 June 2024 the Premier, Mr Chris Minns, moved a State Apology for the criminalisation of homosexuality.

Among those present in the galleries were citizens who had been convicted under the discriminatory laws that criminalised homosexual acts. The words of the Apology moved by the Premier included an acknowledgement that there was still much work to be done to ensure the equal rights for all members of the LGBTQIA+ community.

Friday sittings

The 2023 General Election resulted in a minority Government and an expanded cross-bench in the Legislative Assembly. As the sittings progressed it became clear that the existing sitting calendar and routine of business did not provide sufficient time for private members. This led to the Speaker, himself an independent member, writing to the Premier on behalf of the cross-bench indicating its unanimous support for additional sitting days.

On 16 May 2024, the Leader of the House moved a motion without notice to include six additional sitting days, all of which were Fridays. The motion also confirmed that the House would sit during the reserve week of 26 to 28 November.

The motion also set out the routine of business for Fridays (as the Standing Orders do not currently provide for this). The routine included time for the introduction and mover's second reading speech of private members' bills, take-note debates on committee reports, petition debates, Government business, community recognition statements and private members' statements.

Debate on the motion was robust with a number of amendments moved to include other items (such as Question Time) in the proposed routine of business. Ultimately, the motion as moved was agreed to after a number of divisions.

Equality Legislation Amendment Bill (LGBTIQA+) Bill 2023

The *Equality Legislation Amendment (LGBTIQA+) Bill 2023* was a private members' bill introduced by the independent Member for Sydney, Mr Alex Greenwich, in August 2023. It aimed to protect the LGBTIQA+ community from discrimination through amendments to 20 Acts.

Private members' bills ordinarily lapse six months after notice is given and are only considered on Thursdays. The House passed a number of resolutions to suspended standing orders to extend the Bill's lapsing date and to permit the Bill to be considered during the time set aside for Government Business. The Bill was also referred it to the Standing Committee on Community Services which tabled its report on 3 June 2024.

Mr Greenwich requested the bill be considered in detail and was granted leave to move 66 circulated amendments in globo, which were agreed to on division.

The House divided on the third reading. The question was resolved in the affirmative with members of the Opposition and three independents voting against it. Notably, the opposition member for North Shore voted with the ayes. In her second reading speech, Ms Felicity Wilson MP noted her appreciation of her right as a member of the Liberal Party to vote against the party line on the Bill.

The Bill was sent to the Legislative Council for concurrence and returned on 17 October 2024 without amendment. The bill was assented to on 23 October 2024.

Speaker's Guideline – use of offensive or disorderly words, and unparliamentary language

The Legislative Assembly Standing Orders permit the Speaker to issue guidelines from time to time on matters not provided for in the Standing Orders (Standing Order 9(2)).

On 19 September 2024, at the commencement of Question Time, the Speaker issued the following Guideline concerning the use of offensive or disorderly words, and unparliamentary language:

> "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74.
>
> Where a Member has used such language, taking into account the context, tone and manner of the Member speaking, the Speaker may intervene and direct the Member to withdraw the remark, resume their seat or discontinue the behaviour concerned.
>
> Under the authority of the relevant Standing Orders, it is the role and

responsibility of the Speaker to deal with any such conduct as matters of disorder. Where a Member refuses to comply with a direction of the Speaker, further action may be taken, including directing the removal of the Member from the House under Standing Order 249 or 249A.

I also note that Standing Order 250(3) provides that a Member may be named by the Speaker for using offensive words, and refusing to withdraw them, with the potential consequence of suspension from the service of the House."

The Guideline was issued in the context of the recommendations of the Independent Review of Bullying, Sexual Harassment and Sexual Misconduct in NSW Parliamentary Workplaces (the Broderick Report), and in consultation with the Legislative Assembly's Standing Orders and Procedure Committee.[6] The Guideline is now included in the Assembly's Standing and Sessional Orders, with a notation at Standing Order 74 referring to the Guideline.[7]

The effects of a minority government on committees

One of the main effects of the current minority government in New South Wales and our large 13-member crossbench (of a total of 93 members), is the significant impact on Legislative Assembly-administered committees. In particular, there has been a marked increase in the number of select committees established and bills, including private members' bills, being referred to committees for inquiry and report.

Six select committees were in operation during the reporting period, making it a total of seven, to date, for the 58th Parliament. This compares with only three select committees having been established during the whole of the previous Parliament.

Three private members' bills were also referred for inquiry and report during the reporting period, bringing the total number of bill referrals to five, to date, during the current Parliament. This compares with a total of only two bills being referred to committees during the whole of the previous Parliament.

There has also been an increase in the number of committees chaired by crossbench members. Of our 23 Legislative Assembly-administered committees in operation during the reporting period, 10 were chaired by members of the crossbench, with 8 of our 13 crossbench members having chaired a committee during the period. In comparison, there were only three non-government

[6] https://www.parliament.nsw.gov.au/about/Documents/Independent%20Broderick%20Report.pdf

[7] https://www.parliament.nsw.gov.au/la/houseprocedures/standingorders/Documents/Consolidated%20Standing%20and%20Sessional%20Orders%20Version%205%20September%202024.pdf

Chairs during the previous Parliament.

Operational developments within statutory oversight committees
During the reporting period two of the joint statutory oversight committees that are administered by the Legislative Assembly, the Committee on Children and Young People and the Committee on the Health Care Complaints Commission, made, or proposed certain changes to their operations aimed at strengthening their important oversight functions.

In the report of its 2024 review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian, the Committee on Children and Young People recommended enhancing its parliamentary oversight of the Children's Guardian to match its oversight of the Advocate for Children and Young People. Currently the Committee oversights all the functions of the Advocate but only some functions of the Guardian. In addition, the Committee recommended that it be given the power to veto proposed appointments of the Children's Guardian.

As part of its review of the Health Care Complaints Commission's 2021-22 and 2022-23 annual reports, the Committee on the Health Care Complaints Commission wrote to stakeholders with targeted questions related to the HCCC's performance. The stakeholder responses formed part of the review's evidence base and were incorporated into the Committee's final report. This new evidence-gathering activity was in addition to the established practice of scrutinising the annual reports of the HCCC and examining the Commissioner at public hearings. The Committee may consider writing to stakeholders as part of its future reviews of the agency.

Legislative Council of New South Wales

A challenge on Orders for Papers by Racing NSW
The New South Wales Legislative Council has an established power to order the production of state papers, based on common law principles and affirmed by the courts in the Egan decisions of the late 1990s.

Since then, governments have largely complied with such orders. However, there remains some contention in relation to certain agencies, including independent statutory bodies.

In 2016, the Legislative Council successfully ordered the production of state papers from Greyhound Racing NSW, an independent statutory body. This was a significant development for the Council, with other independent entities following suit in complying with orders of the House.

In 2024, documents were ordered from Racing NSW, an independent statutory body constituted in the same terms as Greyhound Racing NSW.

Initially, Racing NSW contested the power of the House to order documents from independent entities, however, ultimately provided some documents and asserted it was doing so voluntarily to cooperate with the House. The House subsequently agreed to a resolution stating that the documents had been received under Standing Order 52. This is a now quite established practice, allowing the House to affirm the receipt of the documents as a precedent for production, notwithstanding the agency's position to the contrary. A further update on more recent developments in 2025 will be provided in the next edition, as this continues to be a contested issue between the House and the statutory authority.

The Regulation Committee (now the Delegated Legislation Committee)

On 19 October 2023, the Legislative Council resolved to significantly expand the functions of the Regulation Committee, on a 12-month trial basis, to include regular review of statutory instruments.

From the commencement of the trial in February 2024 to 20 December 2024, the Committee:

- reviewed 249 instruments and identified scrutiny concerns in 34 instruments
- tabled 14 Delegated Legislation Monitors, which set out the Committee's conclusions regarding the instruments
- wrote to 13 ministers and three bodies concerning the identified scrutiny concerns
- received undertakings to rectify specific issues relating to 10 instruments, six of which have been implemented as of December 2024.

An evaluation report assessing the effectiveness of the trial was tabled in the House during the first sitting week of 2025. Following tabling, the House resolved to permanently expand the functions of the Committee to include systematic technical scrutiny and also to rename the Committee – now the Delegated Legislation Committee.

Commonwealth Parliamentary Conference 2024

From 3 to 8 November 2024, NSW Parliament hosted the Commonwealth Parliamentary Conference. Nearly 700 parliamentarians and parliamentary staff from 130 legislatures across the nine Commonwealth Parliamentary Association Regions participated in a week of meetings and workshops.

The conference was a dynamic and engaging event, featuring the 8th Commonwealth Women Parliamentarians Conference, the 40th Small Branches Conference, and the 58th Society of Clerks at the Table meeting. The delegates were warmly welcomed with evening receptions hosted by the NSW Parliament and Government House, and also had the chance to explore the

best of Sydney with tours of iconic landmarks.

Northern Territory Legislative Assembly

50th Anniversary of the First Legislative Assembly

On 20 November 1974, the nineteen members of the first Legislative Assembly met in the Chamber for the first sittings of a fully elected legislature in Northern Territory history. An open day was held at Parliament House on Saturday 23 November 2024 to commemorate 50 years of fully elected representation in the Territory. Hosted by the former Administrator of the Northern Territory, the Hon Vicki O'Halloran AO CVO FAICD, the open day featured a Welcome to Country from Larrakia Elder Ms Yvonne Odegaard, a performance from dancers from the Tiwi Islands representing the family of Mr Hyacinth Tungutalum, and the singing of the National Anthem led by Ms Prayer Corby. Former and current members of the Legislative Assembly gave speeches regarding their time and experience in office. The open day also included guided tours for members of the public and displays set up across the foyer.

Queensland Parliament

Introduction of Crossbench Members' Motion

On 13 February 2024, the Leader of the House moved a motion concerning amendments to Sessional Orders, namely, to introduce a specific time slot for a Crossbench members' motion every sitting week. Notice of the motion was required to be given during Preliminary Business on a Wednesday morning, same as the private members' motion. Time for debating the motion was allocated every sitting Wednesday from 4.30pm to 5.00pm, immediately before the private members' motion. The House divided on the question of whether the motion should be agreed to, which was resolved in the affirmative. The Crossbench Members' Motion was not retained in the Sessional Orders for the 58th Parliament.

Publication of Shadow Minister Diary Extracts

On 15 February 2024, the Leader of the House moved a motion concerning amendments to Sessional Orders, namely, requiring Shadow Ministers to publish extracts from their diaries to the Queensland Parliament website on a monthly basis. The Member for Kawana moved an amendment to the motion, seeking to extend the requirement to publish diary extracts to the Chairs of Portfolio Committees as well. This amendment was negatived as a result of a division. The motion, in its original form, was agreed to by the House. This requirement for publication of Shadow Minister Diary Extracts has been retained in the Sessional Orders for the 58th Parliament.

Dissolution of the Youth Justice Reform Select Committee
On 17 April 2024, the House moved a series of motions permitting the suspension of Standing Order 211 so that the Chair (Independent Member for Noosa) and Deputy Chair (ALP Member for Cooper) of the Youth Justice Reform Select Committee could address the House on the progress of the Committee. The Opposition moved an amendment to also allow the LNP Member for Lockyer to be permitted to speak. The House agreed to the motion, allowing each member to speak for five minutes. A subsequent motion was moved by the Government, which caused the interim document prepared by the Committee to be provided to the Clerk and tabled the following day. The motion stated that, upon the tabling of the document, the Committee would be dissolved and ongoing implementation of community safety and youth justice measures would continue to be overseen by two portfolio committees: the Community Safety and Legal Affairs Committee and the Community Support and Services Committee. This motion was resolved in the affirmative following a division. A final motion was moved to alter membership of one of the portfolio committees, the Community Safety and Legal Affairs Committee, appointing the Member for Noosa in place of the Member for Mirani (also a member of the crossbench), and also allow the Member for Noosa's participation in any private or public committee business of the Community Support and Services Committee without any voting ability. On 18 April 2024, in accordance with the order for production of the document, the Clerk tabled as a return to order the version of the latest report put to the Youth Justice Reform Select Committee for adoption which had failed to pass.

Tabled Paper Ruled Out of Order – Standing Order 26
On 30 April 2024, the Speaker made a ruling regarding a document that the Member for Ninderry attempted to table during adjournment debate in the previous sitting week. The tabling involved draft minutes of the Youth Justice Reform Select Committee from 4 April 2024. The Speaker endorsed the decision by the Clerks at the Table not to table the draft minutes, as to do so would have breached Standing Order 211 (Confidentiality of committee proceedings) as the minutes had not been ordered for publication by the committee. In making this ruling, the Speaker took the opportunity to remind all members of their obligations under Standing Order 211.

Practice adopted when referring to previous governments
On 5 March 2024, the Speaker made a statement regarding references to previous governments. In response to members continually referring to "the Palaszczuk-Miles government", as opposed to "the Palaszczuk government", and the "Newman-Crisafulli government", as opposed to "the Newman

government" the Speaker stated "we will not start getting into the habit of talking about governments under multiple leaders, premiers and other things." This ruling was subsequently reinforced by Deputy Speaker Hart later in the sitting day, who stated "we should only refer to the current or former governments by the name of the Premier at the time."

Practice adopted when referring to other members and the use of gendered language
On 16 April 2024, the Speaker made a ruling in response to an emerging pattern of members referring to other members as 'that bloke', 'this is the woman', etc. The Speaker stated "all members should be referred to as members or by their correct title." This ruling was reiterated on 30 April 2024, when the Speaker instructed the Premier to "not refer to members as 'blokes' in the House. We would like to keep this civil."

General Election for the 58th Parliament
On 1 October 2024, a Proclamation from Her Excellency the Governor was received dissolving the Legislative Assembly of Queensland. A general election was held on Saturday, 26 October 2024. 69 former members and 24 new members were elected, and the Crisafulli Liberal National Party (LNP) government took office as a majority government.

On 26 November 2024, the elected members were sworn into the 58th Parliament. The Parliament is made up of members as set out below:

- Liberal National Party – 52 seats
- Australian Labor Party (ALP) – 36 seats
- Katter's Australian Party – 3 seats
- Queensland Greens – 1 seat
- Independent – 1 seat

On 26 November 2024, Hon. Patrick Weir MP, Member for Condamine, was elected as Speaker of the Legislative Assembly.

Motion prohibiting consideration of the Termination of Pregnancy Act 2018
On 10 December 2024, the Premier moved the following motion:

1. That, notwithstanding anything in standing or sessional orders, this House orders that:
   (a) no bill or amendment seeking to amend the Termination of Pregnancy Act 2018 is allowed to be introduced.
   (b) no motion or amendment seeking to have this House express its views on the Termination of Pregnancy Act 2018 is allowed to be moved.
2. The Speaker is to rule out of order any bill, motion or amendment that offends the order in

The Premier stated that he introduced the motion for the purpose of putting

a stop to one of the ALP's "disgraceful scare campaigns" that occurred during the election and demonstrate the LNP government would not change the laws regarding abortion during the 58th Parliament. Following 30 minutes of debate, the motion was resolved in the affirmative via a division (Ayes, 50; Noes, 38).

South Australia House of Assembly

Election of new independent Speaker

On 11 April, the Speaker, Hon. D R Cregan, resigned upon being appointed to the ministry and a member of the governing Labor Party, Hon. L W K Bignell, was subsequently elected. Pursuant to changes made at the end of the last Parliament, after the then Government lost its majority, the *Constitution Act 1934* (Act) prohibits the Speaker from being a member of, or actively participating in, a political party. Upon his election as Speaker, Hon L W K Bignell tabled his letter of resignation from the Labor Party; however, the Act allows him to rejoin the party from 1 July 2025, ahead of the next general election scheduled for 21 March 2026, in order to receive electoral funding allocated to the party.

First Nations Voice to Parliament – Inaugural Address

As noted in the last edition, in 2023 the South Australian Parliament passed the First Nations Voice Act, establishing an elected representative body of First Nations people to provide advice to the Parliament and Government. In June 2024, both Houses adopted changes to the Standing Orders and Joint Standing Orders to give effect to the Act, including for the First Nations Voice to address a joint sitting of both Houses.

At 11.00am on Wednesday 27 November 2024, the first joint sitting was held in the Legislative Council chamber to receive an address from one of the joint Presiding Members of the State First Nations Voice, Mr Leeroy Bilney. The Legislative Council was not scheduled to meet until 2.15pm. The House of Assembly having commenced sitting at 10.30am, suspended its sitting at 10.45am to midday to enable members to attend the joint sitting.

During this joint sitting, both the President and the Speaker, the Clerks of each House and, members from both Houses were present. A number of invited guests were also seated in the galleries to witness the inaugural speech of the First Nations Voice to Parliament—marking a pivotal moment in South Australia's history.

Later that day, the Speaker and President tabled the minutes of the joint sitting, formally recording this significant event in the archives of the Parliament.[8]

[8] The broadcast and transcript of the address is available from the Parliament's website: https://www.parliament.sa.gov.au/en/About-Parliament/First-Nations-Voice

Executive Officer for Joint Parliamentary Services Committee

The Joint Parliamentary Service Committee (JPSC) is established by the Parliament (Joint Services) Act 1985 (Act). Consisting of the President of the Legislative Council, the Speaker of the House of Assembly and two members from each House, the JPSC is responsible for the administration of the Joint Parliamentary Service (JPS), comprising the Parliamentary Library, Hansard, Catering and Joint Services (including Building Services, Finance and IT). In 2024 the Act was amended to provide for the establishment of an Executive Officer to support the JPSC. Previously, the Clerks of the House of Assembly and the Legislative Assembly acted as Secretary to the JPSC, alternating this responsibility each calendar year. In April of 2025, the Chairman of the JPSC announced the inaugural appointment of the Executive Officer.

This newly established role will provide high-level strategic, operational and financial leadership to the JPS and its workforce to ensure the management and delivery of efficient customer-focused services, ensure policy direction across the Parliamentary workplace and support the broader Parliamentary community including Members of Parliament, senior management and parliamentary officers where applicable.

Members found guilty of indictable offences

Over the past 12 months, two members of the House of Assembly have been found guilty of indictable offences. The first member, charged in February 2021, was found guilty in July 2024 of four counts of deception totalling $2,738, whilst the second member charged in 2017 was found guilty in September 2024 of 20 counts of theft and five counts of dishonesty dealing with documents totalling $436,023. Both members are awaiting sentencing and have lodged appeals.

The South Australian *Constitution Act 1934* (section 31(1)(h)) provides that a member's seat becomes vacant if they are 'convicted' of an indictable offence. Section 43 further provides that any question respecting a vacancy shall be heard and determined by the House. Upon the members being found guilty, the Director of Public Prosecutions formally advised the Speaker. The Speaker then invited the members to provide a response. Both members submitted legal advice arguing that their seats had not become vacant as they had not yet been sentenced, convictions hadn't been recorded, and appeals had been lodged. In both cases, the Speaker tabled the advice and invited the House to consider whether a vacancy had occurred. The House is yet to take any action and the members have continued to participate in proceedings.

Tasmania House of Assembly

Election and Restoration of the House of Assembly to 35 members

In February 2024 the Premier, Hon Jeremy Rockliff MP called an election following several months of the government being in minority as a consequence of two Liberal members leaving the party to become independents. The government had previously enjoyed several years of majority so the switch to minority resulted in a significantly different atmosphere in the House. The election was not due to be held until 2025 but was instead held on 23 March 2024.

At this election, the House of Assembly expanded from 25 members to 35 members in accordance with legislation that had passed during the last parliament. This expansion restored the number of members in the House of Assembly to 35, following the reduction that had previously occurred in 1998.

The early election posed some logistical issues in respect of several matters including the need for additional office accommodation for an expanded number of members, as well as significant resourcing issues for the Parliament. Resourcing was a particular issue as resources sought for the expanded parliament had not yet been considered by the Government and the budget was delayed until September.

Minority Government

The results of the election saw the appointment of another minority government, with fourteen seats going to the Liberals, ten seats to the Australian Labor Party, five seats to the Greens, three seats to the Jacqui Lambie Network (JLN) and three independent seats.

In the period following the election, the JLN signed a confidence and stability agreement with the Premier which included a range of commitments including confidence and supply, supporting the government in respect of parliamentary motions that bind the government, and providing notice to government in respect of intention to vote against them in the House.

Some independent members also provided limited commitments of confidence and supply to the Premier.

Since the election, two of the members elected under the JLN have become independent members.

The composition of the House of Assembly this parliament has resulted in significant changes to the operation of the House – for example:

- The opening of parliament on 14 May 2024 saw the election of an opposition Speaker for the first time since 1959.
- There have already been five private members' bills passed by the Parliament this session.
- There has been a significant increase in committee activity for the House

of Assembly.

Establishment of Government Administration Committees

Minority government has also seen a significant increase in committee activity for the House. While previously committee activity has been at a minimum (one or two inquiries a year), the House currently has six inquiries on foot and is also responsible for the administration of four joint committees, most with inquiries, as well as the usual standing orders and privileges and conduct committees.

In particular, the House has established two 'Government Administration Committees' which inquire into and report upon any issues and legislative proposals in relation to certain Ministerial portfolios. Interestingly these committees were first established to only consider references by resolution of the House or by a Minister of the Crown. However, on 11 June 2023, the Opposition proposed an amendment, to which the House agreed, that the portfolio committees could also have self-referral powers.

These administration committees have also introduced the idea of members being able to nominate in writing to the Chair of the Committee a proxy to attend any meeting of the committee on behalf of the member. While the resolution refers to a proxy attending 'any meeting', the intention of the provision is to enable members who have an interest in a certain policy area or specific inquiry to contribute to the work of committees of which they are not members. Therefore, members will proxy for certain inquiries and not singular meetings. The proxy member will be a member of the Committee for that inquiry and can attend all deliberative meetings, make contributions to any reports for that particular inquiry and have full voting rights for that inquiry. This means that for each inquiry that a Government Administration Committee undertakes, it operates as a separate select committee with its own membership for each inquiry. This ensures the confidentiality of committee deliberations in accordance with standing orders. The limitation of a proxy member is that only substantive members can be Chair or Deputy Chair and only substantive members can initiate an own motion inquiry.

Victoria Legislative Assembly

Split guillotine on bills debated concurrently

Debate on two bills to fulfill the government's election commitment to re-establish the State Electricity Commission (the SEC) took place in the Assembly earlier in 2024. One bill established the SEC and the second entrenched it in the Victorian Constitution. The entrenchment provision of the latter bill required that the third reading be passed with a special majority (3/5th of the membership). Because of the closely connected subject matter, the House

agreed to debate the bills concurrently. Usually, the practice of the House is to combine questions at the guillotine for remaining stages when bills are debated concurrently (noting that the current Legislative Assembly rarely enters the consideration in detail/ stage). However, two separate guillotine times were set for the bills under the government business program—one was passed on Tuesday and the other on Thursday. This led to an unusual situation where a member, whose contribution on the concurrent debate had been interrupted by the guillotine, concluded her contribution speaking on just one of the two bills.

Member for Pakenham's 'silent' member's statement (11 September 2024)
On Wednesday 11 September during statements by members, the Member for Pakenham used her allocated 90 seconds for a members' statement to remain silent—a 'silent' statement. Standing Order 40 sets out the time limit of 90 seconds and requirements for a member to make a statement during statements by members. Most statements draw attention to local issues, achievements of constituents and so on. Prior to the Member for Pakenham's silent members statement the Member for Wendouree used her statement to explain the intention behind the silent statement to follow. The Member for Pakenham, who has been diagnosed with Motor Neurone Disease, sought to draw awareness to the disease, which results in many sufferers losing their ability to speak. It was a powerful pause in the day's proceedings, with all members in the chamber responding with applause once the Member for Pakenham had resumed her seat.

e-Petition not in English and the application of SO 45
In early September, the Assembly received its first e-petition in a language other than English. Under O 45(3), petitions in the Legislative Assembly must be presented in English or be accompanied by a certified translation. For paper petitions, the translation is not required until the member presents them to the House at the end of the petitioning process, but as e-petitions are published online by the Clerk's Office with prior consent of a member to present them to the House, we had to consider when the translation would be provided, and when (and whether) it would be published. The final decision was that the member provide the certified translation in advance of online publication, and to display the English translation alongside original Chinese text. A copy of the member's certification was also published on the e-petition page.

Victoria Legislative Council

New Integrity Framework for Parliamentarians
The Victorian Parliament passed legislation in August 2024 to set up an

integrity framework relating to the raising and handling of complaints about misconduct of parliamentarians in the form of the *Parliamentary Workplace Standards and Integrity Act 2024*.

The Act —

- established a Parliamentary Workplace Standards and Integrity Commission with responsibility for investigating allegations of parliamentary misconduct and public interest complaints referred to it by the Independent Broad-based Anti-corruption Commission.
- codified the position of Parliamentary Integrity Adviser which was previously appointed under a joint resolution of the Council and Assembly.
- establishes a new joint Parliamentary Ethics Committee under the *Parliamentary Committees Act 2003* with various functions relating to the promotion of ethical standards in parliamentary workplaces including reviewing and promoting the Members Code of Conduct.

Petitions Qualifying for Debate

One of the new Standing Orders which took effect at the start of the 60th Parliament allows for petitions that reach a certain threshold of signatures to qualify for a 30-minute debate every Wednesday afternoon. Paper petitions with 2,000 signatures, electronic petitions and mixed petitions with 10,000 signatures now qualify for debate.

The first petition to qualify under the new standing orders was titled *Amend the Health Legislation (Information Sharing) Bill 2023,* an electronic petition bearing 10,790 signatures. The Council debated this petition on 8 March 2023. Since then, 21 more petitions (one e-petition, one mixed and 19 paper petitions) have qualified for debate. The Council has debated a petition every Wednesday afternoon for 13 consecutive sitting weeks. The petition debate timeslot has become one of the more widely attended debates of the Council, with the public galleries regularly full. Given petitions which qualify for debate are often related to issues which may attract some community dissatisfaction, maintaining order in the gallery has become an important feature of this item of business.

Legislative Council of Western Australia

The Legislative Council of Western Australia, following recommendations made by its Procedure and Privileges Committee updated the Prayer, by replacing 'His Majesty' with the gender neutral, 'the Sovereign'.

CANADA

House of Commons

The Appearance at the Bar of the House of Commons by Mr Kristian Firth on 17 April 2024

It was an historic and momentous occasion when the House summoned to appear at the Bar to be admonished and to answer questions stemming from his testimony before the Standing Committee on Government Operations and Estimates (OGGO) in April 2024. It had been over one hundred years since the House last summoned an individual to be questioned at the Bar (R.C. Miller, in 1913).

Mr Firth, an IT consultant, first appeared voluntarily as part of OGGO's study on the government's procurement and development of a software application to manage border crossings into Canada during the COVID-19 pandemic (the ArriveCAN app). When invited a second time, Mr Firth refused. The committee reported the situation to the House and an order to appear was adopted by the House on February 26, 2024. Mr Firth complied with this House order and appeared before the committee on 13 March 2024. The committee's dissatisfaction towards the answers he offered that day led to the 17th Report of OGGO being presented on 20 March 2024. The report outlined the potential breach of privilege concerning the witness' refusal to answer those questions which the Committee agreed to put to him and his prevarication in answering others.

Shortly after OGGO's 17th report was presented, Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes) raised a question of privilege. On 22 March 2024, the Speaker determined that it was a *prima facie* matter. Mr Barrett moved a motion to find Mr Firth in contempt and to summon him to the Bar for an admonishment and to respond to questions. Mr. Barrett's motion did not spell out a procedure for how the House should organise those proceedings. The House debated Mr Barrett's motion during two sittings but, on 8 April 2024, unanimously ordered that the motion be deemed withdrawn, and that Mr Firth be summoned and admonished at the Bar on 17 April 2024, with specific provisions for his questioning. Applying a practice like the one used for questioning witnesses in committee, the House agreed that representatives of recognised parties would question Mr Firth in turn over two 10-minute rounds, followed a third 5-minute round. Parties were permitted to allocate their time to multiple members, and all questions and responses were to be addressed through the Speaker. Following the three rounds of questioning, Mr Firth would be excused, and his testimony would form a part of OGGO's evidence under the ongoing study of the ArriveCAN app.

The House Order of April 8 to summon Mr Firth to the Bar gave the

House Administration seven sitting days to organise and deliver a very public event which had never occurred in the broadcasting era. Table Officers and representatives of several Administration service areas, including House Proceedings, Corporate Security, Multimedia Services and Broadcasting, as well as the Parliamentary Protective Service all contributed to finalising a plan for Mr Firth's appearance. Dry runs were also conducted in the House of Commons Chamber.

Mr Firth's counsel would be permitted to accompany him, and so seating at small tables for both Mr Firth and his lawyer were installed behind the Bar. Multimedia and Broadcasting services pre-set and directed cameras to capture Mr Firth whenever he was called upon to respond to questions. Microphones and earpieces for listening to simultaneous interpretation were installed.

Security personnel who are usually stationed behind the doors to the Chamber would usher the flow of members in and out of the Chamber along a prescribed footpath leading through side entrances from the government and opposition lobbies, thereby avoiding the distracting appearance of members behind Mr Firth during the broadcast.

An unprecedented event in the modern era, Mr Firth's appearance required scripted Speaker's interventions for the admonishment, and for informing the House of the procedure to follow during the questioning. A step-by-step program for the appearance, including the events prior to calling Mr Firth to the Bar, and dismissing Mr Firth after his questioning was also prepared and distributed to Mr Firth and to parties.

From the time of Mr Firth's arrival, he would be accompanied by a Table Officer and constables of the Parliamentary Protective Service. Table Officers briefed Mr Firth, and a Table Officer remained on duty outside the main doors of the chamber to answer any procedural or administrative questions if they arose, and pages were assigned to Mr Firth to provide water and, if necessary, to provide him with any documents.

The House anticipated that this event could cause stress, and every possible medical issue was considered and prepared for. The House of Commons' nurse and medical staff were on duty to respond to any health-related needs.

Mr Firth was scheduled to appear at the Bar after Question Period, pursuant to Order of the House. As Oral Questions were concluding, Mr Firth was escorted to the Chamber and stood waiting outside the Chamber doors as the Speaker informed the House of the procedures to be followed during questioning. The Speaker then asked the Sergeant-at-Arms to admit Mr Firth, who took his place, standing at the Bar, to receive an admonishment on behalf of the House of Commons.

The Speaker informed Mr Firth that he had been found in contempt for his refusal to answer certain questions and for prevaricating in his answers to

other questions before OGGO. The Speaker reaffirmed the privileges of the House and reprimanded Mr Firth. He also reminded Mr Firth that he had been ordered to answer all questions posed to him, and that his responses would be protected by parliamentary privilege and could not be used against him in any other forum.

Members of the House questioned Mr Firth from 3.30pm until 5.40pm, with two 10-minute respite periods between the three rounds of questioning. Mr Firth responded to questions without incident and, at the end of the third and final round of questioning, the Speaker concluded his appearance at the Bar, and Mr Firth was excused.

This unusual and unexpected event required the House of Commons administration to mobilise many of its services, in a complex coordination exercise. Without recent precedents, they relied on open communication and a shared commitment to service excellence.

Speaker's Statement on Supply Period

On 26 September 2024, the Hon. Greg Fergus (Hull—Aylmer), Speaker of the House of Commons, ruled that a matter raised by the Hon. Andrew Scheer (Regina—Qu'Appelle) constituted a *prima facie* question of privilege. Debate then began on a motion to refer the matter to a committee. A few sitting days later, before Mr. Scheer's motion had been disposed of, the Speaker also granted the request of Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes) to move a privilege motion regarding the failure of a witness to provide information as ordered by a committee.

Thus, the House found itself in the rare situation of being seized with two privilege motions at the same time. Standing Order 48 states that matters of privilege must be dealt with immediately and practice dictates that once a privilege motion is before the House it must remain the priority until it is decided upon. Typically, this would not be problematic, as debates on questions of privilege traditionally do not go on at length. Yet, in this case, by the end of November, the House had considered either Mr. Barrett's or Mr. Scheer's motion for a total of 35 sitting days. It became clear that continuing to give priority to these debates put the consideration of other proceedings in jeopardy, namely the business of supply.

The supply period was set to end on 10 December 2024. On 21 November 2024, the Speaker delivered a statement concerning the situation. He emphasised the procedural conflict between the debate on privilege motions and the obligations under the Standing Orders regarding supplies.

The Speaker reminded the House that the privilege motions had dominated the House's agenda since 26 September 2024. He explained that the government still had to designate four allotted days before the end of the period, encouraging

negotiation amongst the House Leaders.

Immediately following the Speaker's statement, Alain Therrien (La Prairie), raised a point of order addressing the same questions as the Speaker regarding the final four allotted days for the supply period ending 10 December 2024. Without addressing the possibility of other solutions, he asked the Speaker to reflect on and clarify what would happen if the final few sittings of the supply period arrived and the House was still not able to hold its remaining allotted days on account of the privilege debates. The Speaker responded and reemphasised his reluctance to interfere while the House could still make its own decisions.

On 2 December 2024, the Speaker ruled more formally on the point of order raised by Mr. Therrien, reiterating the government's responsibility to designate days for the business of supply. Citing precedents from 1990, the Speaker ruled that 5, 6, 9, and 10 December 2024, would be allotted days, unless the House decided otherwise, noting the 48-hour notice required for opposition motions. Debates on questions of privilege would resume once supply proceedings were complete.

The Speaker's ruling clearly upheld one precedent in relation to the business of supply: barring an order stating otherwise, and assuming the House follows its sitting calendar as planned, the House must respect the required number of allotted days in each supply period before undertaking the legislative phase of supply proceedings. In other words, there is no way out of this "vital balance" unless the House decides explicitly to provide one.

In other ways, this ruling breaks new ground. It establishes that the priority afforded to questions of privilege is not absolute and that certain provisions in the House's standing orders cannot be blind to others – in this case, to the provisions governing the business of supply. This ruling also pares down the business of supply to its most essential principles: that the required number of allotted days be held and that the estimates be considered on the final day.

Senate

Unusual Proceedings on Bills

On 8 February 2024, a point of order was raised concerning Bill S-241, *An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (great apes, elephants and certain other animals), and Bill S-15, *An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*. It was pointed out that, according to rule 10-9 of the *Rules of the Senate*, when a bill originating in the Senate has been passed or defeated, no new bill with the same object shall originate in the Senate during the same session. Speaker Raymonde Gagné reserved her decision. On 12 February 2024, the Senate adopted a motion withdrawing Bill S-241,

which discharged the bill and its subject matter from the Senate committees conducting work on these matters. The following day, the Speaker stated that the Senate's adoption of this motion had resolved the issues that led to the point of order and that a ruling was therefore no longer necessary.

On 2 May 2024, during debate on the sixteenth report of the Standing Senate Committee on Legal and Constitutional Affairs proposing amendments to Bill S-212, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation, a senator rose on a point of order and moved, pursuant to rule 6-4(2), that another senator be now heard. This was the first time the rule, which requires that such a motion be put immediately without debate or amendment, was invoked in many years. The Speaker *pro tempore* explained that if the motion was adopted, the designated senator would have the floor until the time expired for that intervention, and if it was rejected, the senator who was first recognised by the Speaker would be entitled to speak. The rule was again invoked on May 21, 2024, during debate at third reading of Bill S-212, with a motion that a senator be now heard. The motions were defeated on both occasions.

On 2 October 2024, the Speaker ruled on a point of order raised by Senator Donald Neil Plett on September 25 regarding the requirement for a Royal Recommendation for Bill S-15, *An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*. The Speaker ruled that there were strong arguments in favour of continuing debate and that, consistent with Senate precedents and practice, the bill was in order. The Speaker's ruling was subsequently challenged and sustained by recorded division.

On 3 October 2024, Senator Plett raised another point of order regarding Bill S-15. This point of order concerned the admissibility of certain amendments to the bill proposed in the 25th report of the Legal and Constitutional Affairs Committee. On October 10, the Speaker ruled that the amendments challenged in the point of order were not properly before the Senate as they went beyond the scope of the bill. Since other amendments contained in the report were not contested, the report was struck from the Orders of the Day and returned to the committee, along with the bill, so that the committee could make the necessary corrections and present a new report consistent with the bill's scope.

Change to the administrative structure of the Senate

The twelfth report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Amendments to the Senate Administrative Rules*, was presented on 2 May 2024, and adopted on 9 May. As a result, the Clerk of the Senate was reinstated as the sole head of the Senate Administration, operating subject to the rules, direction and control of the Senate and CIBA. This change

replaced the Executive Committee of three senior managers (the Clerk, the Law Clerk, and the Chief Corporate Services Officer) that had been in place over the previous number of years.

Senators

Twelve vacancies were filled in 2024. All new senators were selected using the Senate appointment process established by Prime Minister Justin Trudeau in 2015, which allows Canadians meeting the assessment criteria to apply for a seat in the Senate. The Prime Minister selects individuals from a list of candidates recommended by the Independent Advisory Board for Senate Appointments, and then recommends them to the Governor General for appointment.

The standings in the Senate at the end of 2024 were as follows: 41 senators with the Independent Senators Group, 12 senators from the Conservative Party of Canada, 18 senators with the Canadian Senators Group, 14 senators with the Progressive Senate Group, 12 non-affiliated senators and 8 vacancies.

Legislative Assembly of British Columbia

Reconciliation with Indigenous Peoples

2024 marked a significant year for the Legislative Assembly of British Columbia's ongoing commitment towards reconciliation with the province's Indigenous Peoples. On 20 February 2024, the Opening Day ceremony of the Fifth Session of the 42nd Parliament saw the Vice-Regal Procession enter the Chamber, for the first time accompanied by traditional dancers of the First Nations on whose traditional territory the Parliament Buildings are situated. The Lekwungen Traditional Dancers went on to perform a traditional dance on the Chamber floor ahead of the Lieutenant Governor's Speech from the Throne. The Opening Day ceremony also included a territorial welcome and blessing from Indigenous Elders.

On 7 May 2024, the Legislative Assembly Management Committee adopted the Legislative Assembly's first Reconciliation Action Plan (2024-2028). The plan provides guidance to the institution's continuing reconciliation efforts and features five overarching commitments related to understanding, education, inclusion, representation, and commemoration. Also included are initial actions, such as incorporating Indigenous customs and cultures into the rules, practices, and symbols of the Legislative Assembly, and developing consistent practices to provide for the participation of Indigenous representatives in Assembly ceremonies and proceedings.

43rd Provincial General Election

The Legislative Assembly of British Columbia was dissolved on 21 September 2024 and writs of election were issued for its 93 electoral districts, an increase

from the 87 electoral districts that comprised the 42nd Parliament. Ahead of the fixed-date election, 29 members of both government and opposition parties indicated they would not be seeking re-election. At dissolution, party standings in the Legislative Assembly were 55 BC New Democratic Party (NDP), 20 BC United, eight Conservative Party of British Columbia, two BC Green Party, and two independent members.

Final voting day was October 19, 2024 and preliminary voting results showed that no party had the 47 seats required to form a majority government. In the following days, several electoral districts were subject to either an automatic recount or a judicial recount due to the narrow difference in votes, with the closest being a 22-vote difference. The final count was announced by Elections BC on October 28, 2024 with party standings at 47 BC NDP, 44 Conservative Party of British Columbia, and two BC Green Party. Of these 93 seats, 56 are occupied by new members.

To support the transition to the 43rd Parliament, the Legislative Assembly Administration launched the new Client Care service desk to provide a single access point for administrative services in direct support of members, constituency office staff, and caucus staff. Updates were also made to the Members' Guide to Policy and Resources website, which is an online portal containing information on resources and services available to members. An extensive member orientation program, known as "MLA School", was also developed to support new and returning members. The orientation program provided initial on-demand and online courses, as well as in-person sessions, on administrative and financial operations, followed by content focused on parliamentary procedure and House operations, provided in-person ahead of the opening of the First Session of the 43rd Parliament in early 2025.

Manitoba Legislative Assembly

Ethics Report Motion

On 8 October 2024, the House dealt with the first report produced by the Ethics Commissioner pursuant to *The Conflict of Interest (Members and Ministers) Act* which came into force on October 4, 2023, replacing *The Legislative Assembly and Executive Council Conflict of Interest Act*. The Clerks had to create a procedure to deal with the report and the House agreed to adopt the following format which the Speaker outlined:

The provisions governing these debates are:

1. An Ethics Report Motion shall be considered as the first item of business under Orders of the Day – Government Business.
2. Debate on an Ethics Report Motion shall be limited to one sitting day.
3. The House shall not adjourn until all Members have had an opportunity to speak to the Motion. When there are no further speakers in the

debate, the Speaker shall put the question.

4. An Ethics Report Motion cannot be amended.
5. The Speaker shall read the motion to the House to open the floor for debate.
6. During debate on an Ethics Report Motion no Member shall speak longer than 10 minutes.
7. All Members may speak to the Motion, in the following debate rotation:
8. The Member who is the subject of the complaint, or a Member of their party.
   - The complainant Member, or a Member of their party.
   - A Member of the subject's party.
   - A Member of the complainant's party.
   - An Independent Member.

Further to that, before reading the motion to open the debate, the Speaker of this House will read into the record the recommendations contained in the Report from the Ethics Commissioner.

On 8 October, the first Motion was regarding the Honourable Member for Keewatinook, dated 19 September 2024.

On page 17 of that report the Ethics Commissioner wrote:

"For the reasons given above, it is my opinion that [the Honourable Member for Keewatinook] did not contravene the Act by having a contract with the Government of Manitoba prior to April 1, 2024. However, he did contravene the Act by having a contract with the Government of Manitoba on and after April 1, 2024. He also contravened the Act by failing to include the contract in his Disclosure Statement of Assets, Liabilities and Sources of Income.

I also conclude that [the Honourable Member for Keewatinook]'s contraventions were inadvertent. I therefore recommend that no penalty be imposed."

The Honourable Speaker presented the following motion which was passed after a short debate

"THAT the Legislative Assembly accept the Report of the Ethics Commissioner regarding the Honourable Member for Keewatinook, dated September 19, 2024, and approve the recommendation contained therein."

Government Apology

On 8 October 2024, Government House Leader Nahanni Fontaine sought and received leave to allow her to make a statement to the House, without responses, before commencing with Routine Proceedings. She advised that the purpose of the statement will be to offer an apology on behalf of the Government regarding reparations for Manitoba's Children's Special Allowances policy.

Leave was also sought and granted to allow the following individuals to be

seated on the floor of the Chamber for this statement. This was the second time this session for such a request. On 21 March 2024, GHL Fontaine sought and received leave for the Premier to make a statement to the House (without responses) and for Edward Ambrose and Richard Beauvais to be seated on the floor of the House for a separate apology from the Government.

The persons allowed on the floor on 8 October were as follows:

- Acting Grand Chief Betsy Kennedy
- Grand Chief Garrison Settee
- Margaret Swan
- Minister Mona Buors
- Four youth representatives:
- Lareina Settee
- Janelle Peters
- Karlii Beaulieu
- Mary Derendorf.

Ontario Legislative Assembly

Indigenous Language Spoken in the Chamber

On 28 May 2024, Ontario's legislature witnessed a groundbreaking moment when Member of Provincial Parliament Sol Mamakwa addressed the House in Anishininiimowin (known as Oji-Cree in English) This was the first time a Member officially addressed the House in an Indigenous language, and the first time that the Assembly provided full transcription and interpretation services for a language spoken in the House other than English and French. Guests filled the galleries for the occasion, including Indigenous leaders and Elders from across the province. Most importantly to MPP Mamakwa, his mother, who was celebrating her birthday that day, was able to witness this moment from the Chamber galleries.

The event was made possible by an amendment to the Standing Orders on 26 March 2024, permitting members to address the House (and committees) in an Indigenous language spoken in Canada. Prior to this change, English and French were the only two languages permitted in debate, though members occasionally made short statements (including greetings and other brief phrases) in other languages over the years.

The Assembly began making arrangements for simultaneous interpretation from Anishininiimowin to English and French once MPP Mamakwa gave notice of his intention to address the House in his language. In planning for this historic first, staff faced two significant challenges: finding interpreters and transcribers proficient in Anishininiimowin; and adapting the Assembly's technology to accommodate interpretation and broadcasting in a third language.

With regard to interpretation, the Assembly already has a team of English-

French interpreters on staff, but had to find someone to interpret from Anishininiimowin to English. There are approximately 3,000 Anishininiimowin speakers in Canada and only some are qualified interpretation professionals. Despite these constraints, the Assembly was able to recruit two interpreters and a transcriber on the recommendation of MPP Mamakwa.

Expanding the Assembly's technological capabilities to provide interpretation and broadcasting services in a third language proved equally challenging. The Assembly's technology was set up for simultaneous interpretation in two languages, with the Chamber and committee rooms having designated interpretation booths for this purpose. The introduction of a third language required adjustments and necessitated the use of an additional booth. The interpretation process used a relay set-up in which MPP Mamakwa's speech was interpreted into English, then Assembly staff interpreted the English remarks into French. This was the first time such a complex arrangement had been used in Ontario's legislature, and extensive testing and training sessions were conducted to ensure smooth operation.

On 28 May 2024, MPP Mamakwa delivered a 10-minute speech and asked a question (and supplementary questions) during Question Period in Anishininiimowin. His remarks focused on the importance of Indigenous language revitalisation and the honour of being the first to deliver such a speech in the language.

At the end of the day's proceedings, the remarks were transcribed in Anishininiimowin syllabics in Hansard. The decision to transcribe Mr. Mamakwa's remarks using syllabics rather than Latin characters required technological enhancements. Additional character sets were added to the current database to incorporate syllabics into the Assembly's existing transcription software. This allowed the syllabics provided by the transcriber to be then added to the draft Hansard transcript renderings in the database to produce the final transcript.

This historic event, which garnered international attention, represents a significant step toward honouring and integrating Indigenous heritage into the province's parliamentary proceedings. Going forward, the Assembly will continue to work toward technological and interpretation solutions in order to ensure that members' right to speak Indigenous languages in the House is facilitated and supported.

Prince Edward Island Legislative Assembly

On 7 February 2024, a by-election was held in District 19, Borden-Kinkora. The by-election was caused by the resignation of the member for the district in November 2023, and it was won by the Green Party candidate. Perhaps most notable about the by-election, however, was that it was originally scheduled for

5 February but had to be twice postponed due to a severe snowstorm.

Winning the Borden-Kinkora by-election brought the Green Party, recognised as the Third Party in the legislature, into a tie with the Liberal Party, which forms the Official Opposition, at three seats each. This had never occurred in PEI before. The *Legislative Assembly Act* defines the Official Opposition as the largest caucus sitting in the Legislative Assembly in opposition to the Government, so it fell to Speaker Darlene Compton to determine which caucus would be considered the Official Opposition. In a 27 February ruling she concluded that the Liberal caucus would retain the role based on incumbency. She drew upon decisions made by past Speakers in Alberta, New Brunswick and the House of Commons, all of which concluded that a tie in seats is not sufficient reason to displace the incumbent. Speaker Compton emphasised the Speaker's aim of ensuring that business of the House is conducted according to rules, precedent and established practice, and that consideration of organisational disruption—the Green caucus had argued that it would be minimally disruptive for them to become the Official Opposition—was not a factor in her decision. As for the Green's argument that they merited the status by receiving more of the popular vote, she found it to be irrelevant, as electoral performance is not a parliamentary consideration; all members are equal in the House, whether "elected by one vote or a landslide". She noted that though popular vote share was considered in an Alberta Speaker's decision in 1983, all other comparable decisions since then have not taken it into consideration.

A rare instance of the House appointing an Acting Speaker occurred on 27 February; due to the temporary absence of both the Speaker and Deputy Speaker, by motion the House appointed Zack Bell to preside for the remainder of the sitting day.

Quebec National Assembly

On 6 November, the Ethics Commissioner's inquiry report pertaining to the Second Vice-President of the *Assemblée nationale* and Member for Chauveau was tabled in the Assembly. The Commissioner found the member in breach of the Code of ethics and conduct of the Members of the National Assembly, because he misled or attempted to mislead the Commissioner and hindered her in the exercise of her functions.

The member resigned from his functions as Second Vice-President the day of the report's tabling. Moreover, as the procedure in the Code sets out, the Assembly voted on the Commissioner's report at the following sitting. The Assembly adopted the report by a two-thirds majority, thus imposing the sanction recommended by the Commissioner, which was a reprimand.

Saskatchewan Legislative Assembly

Independent members

On 20 January 2024, a former member resigned from the Saskatchewan Party caucus after it was publicised that he had been charged with assault and choking. He was also stripped of his nomination to run for the Saskatchewan Party in the October 2024 election. The individual remained in the Assembly as an independent member but chose not to run as an independent in the fall.

In November 2023, another former member of the government caucus was arrested while trying to obtain sexual services and was subsequently removed from the party. He also remained as an independent member and when the session resumed on 4 March 2024, he asked leave to make a personal statement, apologising for his lapse in judgment. The charges against the member were stayed by the Crown, as a result of measures taken for alternative treatment, and the member did not seek re-election in the fall of 2024.

Statements by the Speaker

On 11 April 2024, the Speaker rose without asking for leave and read into the record a text from the Minister of Finance accusing him of letting the Assembly "become a joke and a stage for an opposition puppet show." He also said he had received hundreds of similar text messages from government members during his tenure as Speaker and asked the Minister of Finance to withdraw and apologise, which she did. Shortly thereafter, the Speaker named and suspended the Government House Leader for a comment, not audible on the record, for which he refused to withdraw and apologise.

The Speaker rose again to make personal statements on the record during the last two days of the spring sitting. On 15 May 2024, he read a letter from the former Sergeant-at-Arms alleging that then Minister of Corrections, Policing and Public Safety had assassinated his character and reputation during consideration of Assembly security legislation in 2021. The following day, the Speaker rose before adjournment of the spring sitting and, without leave, made a statement alleging harassment and inappropriate behaviour by the Government House Leader and other caucus members, including attempts to influence his decisions, harassing text messages, threatening gestures, and physical intimidation. He also alleged that the Government House Leader brought a hunting rifle into the building and sought permission to bring a handgun into the Legislative Assembly.

As a result of the events during the spring sitting, the opposition requested a meeting of the Standing Committee on House Services to investigate the allegations. The Speaker, who serves as the committee Chair, scheduled a meeting for 17 June 2024 and then recused himself from chairing the meeting. The committee's decision was to call for the utilisation of the Assembly's anti-

harassment policy by any member wishing to make a harassment complaint. The Speaker ultimately resigned from the Saskatchewan Party caucus and did not run in the subsequent election.

Deliberative voting
In December 2024, the ratio for membership on the standing committees was set at four government members and three opposition members, pursuant to rule 122(1), which states that committee membership is proportional to party membership in the Assembly. The chairs of the policy field committees are all government members, leaving three government and three opposition members to vote on questions raised in committee. As rule 151(2) allows a policy field committee chair to vote on any question before the committee, chairs have begun to exercise their right to a deliberative vote when they anticipate the vote to be equally divided. In practice, chairs must declare their intention to vote before putting the question.

CYPRUS

House of Representatives

As 2024 marked the sombre 50th anniversary of the Turkish military invasion of Cyprus in July 1974 and continued illegal occupation of over 36% of the territory of the Republic ever since, the President of the House of Representatives, Ms Annita Demetriou, addressed a letter to several of her counterparts across the world including the Presidents of the Parliaments of the permanent and non-permanent members of the United Nations Security Council, as well as the Presidents and Secretaries General of international and regional parliamentary organisations, including the Commonwealth Parliamentary Association.

In addition to holding a special plenary session to mark this solemn anniversary, the House of Representatives and the Hellenic Parliament Foundation for Parliamentarism and Democracy, jointly organised an exhibition entitled "Cyprus 1974: memory is the only homeland of humanity". The exhibition documented the recent history of Cyprus and recalled the collective and personal memories of those that experienced these events. A publication accompanying the exhibition was also published.

The year 2024 also marked the 20th anniversary of the Republic of Cyprus' accession to the European Union. To celebrate this significant milestone, the House held a special plenary session and a commemorative event attended by foreign dignitaries.

As part of its efforts to update the equipment for parliamentary procedures, the House installed a new electronic voting system in the Plenary Chamber, which includes advanced document management capabilities for agenda-

related materials. The new system features a user-friendly and multilingual interface, offering real-time display of voting results on large screens within the Chamber, accompanied by statistical analysis of each outcome.

Furthermore, in 2024, the legislative framework governing the declaration of assets for the President, Ministers, Members of Parliament of the Republic of Cyprus, as well as certain publicly exposed persons and state officials, was revised, aiming to improve the existing framework by addressing gaps and resolving practical challenges that had been identified during its implementation. Among the key changes introduced was the mandatory electronic submission of asset declarations by the individuals concerned. This measure is intended to facilitate more effective monitoring of the submitted information, the detection of false or misleading data, in addition to discrepancies and inconsistencies in the declarations.

In April 2024, the newly established Foundation of Parliamentarianism and Participatory Democracy of the House of Representatives and the Academy of the Legal Service of the Republic of Cyprus, co-hosted a scientific conference on administrative law, with the participation of prominent figures from the legal community of Cyprus and Greece that contributed to an in-depth discussion and understanding of administrative law within the Cypriot legal order. This was a timely main discussion topic of particular significance, as the Cyprus judicial system underwent a broad reform recently which included the establishment of an Administrative Court.

The House's traineeship programme for university students, inaugurated a few years ago, continued in 2024 as well and was extended for the first time to include high school students aged 16 to 18 years. A tailored two-week programme was designed for them, taking place in the second half of June 2024, with the participation of approximately 20 students from both public and private schools.

Finally, in addition to themed art exhibitions that may be hosted periodically by the House, in an effort to showcase the work of Cypriot artists, the Cyprus Parliament is hosting pieces from the State Collection of Contemporary Cypriot Art throughout its premises. These works are accessible to visitors of the Parliament, offering them an opportunity to engage with Cyprus' modern cultural heritage.

GUYANA

Parliament of Guyana

46th Conference of the Caribbean. the Americas and the Atlantic Region of the Commonwealth Parliamentary Association

The Parliament of Guyana hosted the 46th Conference of the Caribbean,

the Americas and the Atlantic Region of the Commonwealth Parliamentary Association during the period 31 August to 7 September 2024 under the theme: "*Democracy: Challenges Facing Modern Parliaments*".

The Conference comprised of approximately 85 delegates (Presidents of Senate, Speakers of Parliament, Members of Parliament, Clerks and Deputy Clerks, Senior Assistant Clerks, Youth Parliamentarians. The delegates were from countries of the Commonwealth Parliamentary Association, {the Caribbean, the Americas and the Atlantic Region) and Members of Parliament of the National Assembly of the Parliament of Guyana.

Promoting Parliament to the People

The Parliament of Guyana under the stewardship of the Speaker of the National Assembly, Hon. Manzoor Nadir, continues to bring awareness of the work of the Parliament to its citizenry. The following were the various activities:

1. Speaker's Regional Youth Debating Competition
   As part of an ongoing effort to sensitise citizens to institutions of democracy, particularly the work of the Parliament of Guyana, the Parliament held its second Speaker's Regional Youth Debating Competition, during 4 to 30 April 2024, where 50 youth groups entered and competed to gain their places in the Speaker's National Youth Debating Competition.
2. Speaker's National Youth Debating Competition
   The National Youth Debating Competition, held during 14 May to 13 June 2024, saw the customary number of 48 participants from 16 youth groups across the 11 Education Districts of Guyana. This Competition was recognised as a platform for young minds to engage in constructive dialogue, challenge perspectives, and foster a culture of reasoned discourse.
   The National Competition continued to serve as a feeder into the Annual Youth Parliament, 2024 being the 9th Youth Parliament.
3. Annual Youth Parliament
   The Parliament of Guyana hosted the 9th Annual Youth Parliament during the period, August 12 to18, 2024, using a hybrid method of virtual training and physical sittings. The activity involved eighty-four (84) participants: 39 from the junior category and 45 from the senior category. The participants from the junior category were selected by the Ministry of Education (as is customary), from the eleven (11) Education Districts, and from the Young Influencers Programme of the Ministry of Human Services and Social Security. Participants for the senior category were selected from the Second Speaker's National Youth Debating Competition, the University of Guyana, the University

of the West Indies, the Government Technical Institute, the Linden Technical Institute, the New Amsterdam Technical Institute, the Essequibo Technical Institute, the Guyana Industrial Training Centre and Nations Inc.

To facilitate participation in this year's Youth Parliament, two days of Sittings were held physically on Thursday 15 August 2024, and Friday 16 August 2024. The Sittings were held in the Chamber of Public Buildings, Brickdam, Georgetown. Several topics were chosen with the aim of generating robust discussions and stimulating young minds.

4. Speaker's Children Toys Outreach Programme
   Continuing in the vein of promoting the work of Parliament, Honourable Speaker Manzoor Nadir continued his Christmas toys drive, which commenced in 2020, by distributing 10,000 toys to children up to age 10 in all Administrative Regions of Guyana.

INDIA

Rajya Sabha

During the 266th Session, on 19 December, 2024, the Secretary-General reported to the House, a Ruling given by the Hon'ble Deputy Chairman on the communication received on 10 December, 2024 under Article 67(b) of the Constitution giving notice of intention of a no-confidence motion against the Vice President of India and laid a copy of the Ruling both in English and in Hindi on the Table of the House.

Notices of all Legislative Devices are now received digitally through Members' portal only and same are processed electronically.

Real time updates of notices permitted for Zero Hour Submissions and Special Mentions in the Memoranda of Business.

Committee meetings are now being conducted through digital mode right from the issuance of Notice and sending Agenda papers and other material to the Members/Officers, to the actual proceedings of the meetings.

On 8 February 2024, the Minister of Finance and Minister of Corporate Affairs laid a copy of the "White Paper on the Indian Economy" on the Table of the House.

The Private Members' Resolutions scheduled for Friday 9 February 2024 were dispensed with for the disposal of Government Bills.

App-based communication on the Table-of-the-House: Introduced a new real-time e-communication application in the Rajya Sabha Chamber between Hon'ble Chairman and Secretary-General and vice-versa; and between Secretary-General and Officer at the Table and vice-versa.

On 27 June 2024, the Chairman introduced the Prime Minister to the House

who assumed office for the third consecutive time after the General Elections. Thereafter, the Prime Minister introduced 30 Cabinet Ministers, 5 Ministers of State (Independent Charge) and 36 Ministers of State.

On 27 June 2024, the Chairman informed that Shri Jagat Prakash Nadda, Minister of Health and Family Welfare and Minister of Chemicals and Fertilizers has been appointed as the Leader of the House in the Council of States.

On 1 July 2024, Shrimati Jaya Amitabh Bachchan, Member, took Oath in the Chairman Conference Room (RS-28), Parliament House at 10:30 a.m. before the commencement of sitting of 1 July during the 264th Session.

On 2 and 3 July 2024, the Lunch Hour was dispensed with to take up the Discussion on the Motion of Thanks on the President's Address for disposing of the listed business.

During the 266th Session of Rajya Sabha, no sitting was fixed on 26 November, 2024 on account of a function held in the Central Hall, Samvidhan Sadan to commemorate 75 years of the Constitution of India.

On 16 December 2024, Shrimati Nirmala Sitharaman, Minister of Finance and Minister of Corporate Affairs raised a discussion on the "Glorious Journey of 75 years of the Constitution of India" which concluded on 17 December 2024. A total of 80 members participated in the discussion

Digital Marking of Attendance: In pursuit of a Digital Parliament and enhancing administrative efficiency, the Rajya Sabha has adopted a significant technological upgrade in its attendance system. Until the 265th Session, members marked their attendance manually using ink on a physical register. Beginning with the 266th Session (Winter Session of 2024), a seamless shift has been made to a digital platform through the introduction of an e-Attendance application. This modern system enables members to record their attendance electronically via tablets during each sitting of the House. The transition has not only eliminated manual processes but also brought about substantial improvements in speed, accuracy, and transparency. Attendance records are now processed and published on the same day after the House rises, reflecting a streamlined, paperless workflow that upholds the principles of efficiency, accountability, and sustainability

Electronic Submission of Notices: In pursuit of a Digital Parliament and with a view to enhancing administrative efficiency, Hon'ble Chairman, Rajya Sabha in a direction on 12 June 2024 (notified through Parliamentary Bulletin Part-II), discontinued the submission of physical notices for various parliamentary devices. Members are now required to submit all types of notices exclusively through the Digital Sansad portal. Earlier, such notices could be submitted either in physical or electronic form. With this transition, manual processes have been phased out and replaced by a streamlined, paperless system that reflects the principles of efficiency, accountability, and environmental sustainability

ISLE OF MAN

Tynwald

Ability of Westminster to legislate for the Island without consent

In March 2024 the Standing Committee of Tynwald on Constitutional and Legal Affairs and Justice published a report entitled "The Constitution of the Isle of Man: Internal Self-Government and External Self-Determination". The report surveyed a number of constitutional developments since the question of independence had last been debated in Tynwald, in November 2000.

One of the issues considered by the Committee was ability of Westminster to legislate for the Isle of Man without the consent of Tynwald. This last happened in 1967. Since then, international obligations and domestic autonomy have been managed through cooperation. This approach was reinforced by a 2007 framework confirming the Isle of Man's self-governance and the UK's commitment to consult and represent its interests internationally.

However, in a series of debates on beneficial ownership registers during the years 2017 to 2019, Westminster parliamentarians gave serious consideration to legislating for the Isle of Man without the consent of Tynwald. On three occasions between 2017 and 2019 amendments were tabled by Opposition peers or MPs which would have placed a duty on the UK Government to legislate for the Island with or without the consent of Tynwald. These amendments failed but brought attention to – in the words of the Report – the 'tension between the Island's domestic autonomy and its reliance on the UK in international matters'. The Report also said 'is a matter of concern that [the amendments] attracted as much support as they did'.

Among a number of recommendations aimed at strengthening the Isle of Man's capacity for self-determination and its relationship with the UK Government and Parliament, the Report recommended that Tynwald declare an opinion that legislation made by the UK Parliament at Westminster should not be extended to the Isle of Man without the consent of Tynwald. It recommended further that Isle of Man Government and the Isle of Man Branch of the Commonwealth Parliamentary Association should seek opportunities to discuss with colleagues at Westminster the possibility of codifying, as a matter of Westminster practice and procedure, a convention that legislation for the Crown Dependencies should not be introduced except on the initiative of the Crown.

The first of these recommendations was accepted by the Council of Ministers and approved by Tynwald without amendment, the Council of Ministers agreeing absolutely with the Committee that Westminster should not legislate for the Island without consent.

The second recommendation was rejected by the Council of Ministers on

the basis that it was unlikely that the Westminster Parliament would be willing to consider restricting the freedom of legislative initiative of its members and Lords; that raising this issue could be counterproductive; and that it would not be appropriate for the Isle of Man to initiate discussions with Westminster on a matter that would have implications for the Channel Islands without their support.

A compromise amendment to this second recommendation was proposed by the Speaker of the House of Keys and gained the support of Tynwald, leading to a further declaratory resolution that Tynwald was of the opinion that legislation for the Crown Dependencies should not be introduced at Westminster except on the initiative of the Crown.

Establishment of a standards commissioner

In March 2024 the Tynwald Standards and Members' Interests Committee published a report reviewing the members' standards regime and recommending the creation of a specialist position to independently investigate potential breaches – namely, a standards commissioner. The report argued that this would remove any risk that the outcome of an investigation would be tainted by political bias, would preserve impartiality and neutrality, and would place the finding of fact and the making of an initial recommendation in the hands of someone whose only interest was in the integrity of the standards regime.

This was widely supported by Tynwald members in the debate on the Report, at whose conclusion Tynwald resolved that detailed plans should be developed.

NEW ZEALAND

House of Representatives

Removal of member

In New Zealand, a party leader, with support from 75 percent of their caucus, may write to the Speaker to cause the seat of a member elected as a member of the same party to become vacant. This power may be used if a leader considers a member's actions have distorted and are likely to continue to distort the proportionality of political party representation in Parliament.

In October, the seat of Darleen Tana, a list member for the Green Party of Aotearoa New Zealand, was declared vacant under this process. Legislation allowing for the process was re-enacted in 2018 after previously being in place between 2001 and 2005. This was the second time it had been used.

Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions

In 2018, the New Zealand Government established a Royal commission to undertake an inquiry on the abuse and neglect of children, young people, and

adults in the care of the State and faith-based institutions in Aotearoa New Zealand between 1950 and 1999. Nearly 3,000 people shared their experiences with the Royal commission. The Royal commission provided its report to the Government in June 2024. The report was followed by an apology from the Crown on 12 November 2024.

Reports of Royal commissions of inquiry are always designated as parliamentary papers, because they deal with matters of public importance. However, there are no formal procedures for debating these reports in the House. In recognition of the importance of this inquiry, the Business Committee arranged for the House to engage with the report and apology.

In anticipation of the report of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions being presented to the House, the Business Committee agreed to a 1.5-hour debate on the report being held on 24 July. That debate was the House's first formal opportunity to respond to the material in the report, to acknowledge survivors of abuse, and to begin discussing its expectations for the Government's implementation of the recommendations in the report.

The delivery of the Crown apology on 12 November involved both proceedings in the House and events under the Government's auspices. The apology was preceded by a mihi whakatau (welcome), opportunities for survivors to be heard, and apologies from some government agency chief executives outside the House. The event was held concurrently in Auckland, Wellington, and Christchurch, and members who went to events outside Wellington were deemed to be attending official business (not absent from the House).

The House met for an hour, outside normal sitting hours, for the delivery by the Prime Minister of the Crown apology, and a supporting statement from the Leader of the Opposition. The commencement of a sitting other than at the usual meeting time of 2pm is rare. In this case, it enabled the sitting to be suspended for an official lunch. The sitting resumed at 2pm for the introduction and first reading of an omnibus bill implementing some of the Royal commission's recommendations, which gave other members an opportunity to speak to the apology. After the first reading, the House adjourned without considering further business.

For these events, Survivor Experiences Service, a service for people who experienced abuse in care, facilitated arrangements for survivors of abuse who wished to view the debate. Those who wished to attend registered their names with the service, which arranged for attendees to take turns in the public gallery. Due to high demand, the Banquet Hall was used as an overflow space, where screens streamed the debate live. Many attendees had disabilities and were provided with support to navigate the precinct. Rooms were set up as

wellbeing spaces, which were staffed by mental health professionals, in case any attendees needed additional support. Some survivors were permitted to carry objects, such as photographs, into the public gallery.

Issues of comity

On 19 July, an application was filed in the Court of Appeal for an interim injunction to prevent the publication of the Royal commission's report as a parliamentary paper. The application was filed by The Christian Congregation of Jehovah's Witnesses (Australia) Limited. The court declined the application in the morning of 24 July. In its decision, the court acknowledged the importance of comity between Parliament and the Courts and that the order sought would amount to an impermissible interference with the legislative branch ([2024] NZCA 340).

If the court had not ruled so promptly on the application prior to the debate, the House would have needed to make its own assessment as to comity. There is a general prohibition against reference to matters before a court, and this applies to all elements of parliamentary business. However, this *sub judice* rule is subject to the discretion of the Speaker. Given the high degree of public importance of the report of a Royal commission, particularly in the context of its subject matter, the Speaker probably would have considered it appropriate for the paper to have been published under the authority of the House despite the injunction application. It would then have followed that members should be able to discuss its content. In the event, though, this assessment was not required.

Partnership with Te Āti Awa

The location of New Zealand's Parliament means it is a privileged custodian of land held by the local iwi (indigenous people), Te Āti Awa. On 19 December, representatives from Te Āti Awa and the Office of the Clerk and Parliamentary Service signed the Tākai Here (memorandum of understanding), which formalises their partnership.

Te Āti Awa has been integral in supporting the parliamentary agencies with mihi whakatau and pōwhiri, which are ceremonies to welcome new staff and visitors to Parliament, and ensuring practices are in line with local tikanga (customs and traditional values). The occasion was significant for all parties and took place at Te Māori Waiwhetū Cultural Centre, a building housing taonga (treasures) of Te Āti Awa.

Financial scrutiny

In the 2024 edition of *The Table*, we reported on changes to the procedures undertaken by select committees to scrutinise the Government and its agencies

(see Wilson & Bagnall, "Scrutiny and Entrenchment: Procedural changes in the New Zealand Parliament", *The Table*, Vol 92, 2024). Recently, committees produced their first scrutiny activities reports, which are required under the new procedures. Many of those activities reports included comments about the operation of the scrutiny procedures in the first half of the parliamentary term.

Longer hearings

The procedures adopted by the House in 2023 were designed to increase the amount of time spent on scrutiny activities. For example, the Standing Orders now provide for indepth annual reviews of major public entities, and which involve a minimum hearing time of three hours and the use of a thematic structure for questioning. An objective was to allow members to engage with the politically important issues of the day and then still have time for more detailed scrutiny of governance, capacity, and operations. Many committees observed that these longer hearings meant that committee members were less pressed for time, were able to develop sustained lines of questioning, and were able to reach a better understanding of the work of agencies and the thinking behind executive decision-making. Committees continue to develop their practices, such as by ensuring breaks are arranged during hearings so they are less relentless for members and witnesses.

As noted in the article, the first round of annual reviews was limited by the timing of the general election and disruptions to committees through urgency, but still demonstrated positive change, with committees effectively doubling the amount of time spent on annual reviews. This pattern was repeated when select committees examined the Estimates of Appropriations in the weeks after the delivery of the 2024 Budget (May to July). The process involved the first-ever scrutiny week (see below) and, overall, the 12 subject select committees heard evidence for 91 hours, an increase of 90.5 percent from the hearings on the previous year's Estimates (almost 48 hours).

Annual reviews starting in late 2024 saw hearings expand even further. About 185 hours have been spent on annual review hearings or review briefings looking back at the performance and operations of Government agencies in the 2023/24 year. This amounts to almost 2.5 times more time spent scrutinising this round of annual reviews than was directed towards scrutiny of the 2021/22 financial year.

Scrutiny weeks

Most hearings for annual reviews and Estimates take place during scrutiny weeks. A "scrutiny week" is a week set aside in the parliamentary calendar for scrutiny hearings with a very strong expectation that Ministers and senior public servants will be available. The Standing Orders require the sitting

programme to include two scrutiny weeks in which the House is not scheduled to sit. If the House did subsequently resolve to meet in a scrutiny week (and there is no expectation that this would occur), the rules provide that scrutiny hearings would proceed largely uninterrupted by the House.

Several committees observed advantages of scrutiny weeks, including increased focus on scrutiny, not needing to balance committee priorities, and making scheduling and planning easier. Committees also acknowledged the benefit of not having to make last minute schedule changes as a result of urgency in the House, which occurs reasonably regularly during sitting weeks and can be highly disruptive to committee business.

Some committees acknowledged challenges arising from the new procedures, particularly for members who sat on multiple committees and spokespeople who were substituted on to other committees for particular items of business. The Social Services and Community Committee, a committee with a very high scrutiny workload, also noted challenges booking rooms, with high demand from other committees. Committees are not required to schedule all hearings within scrutiny weeks, but some committees indicated some level of pressure to do so, and felt that the process was too compressed.

Structured agendas

Committees are required to apply a thematic structure for all in-depth reviews, and the Standing Orders Committee recommended that committees adopt structured agendas for this purpose. The use of structured agendas has been widespread, including for shorter-format scrutiny hearings. Committees have found that structured agendas assist members to focus their questioning and to prepare better for hearings. A practice has developed where structured agendas are adopted by committees and provided to agencies ahead of hearings. As a result, committees observed improvements in the quality of answers from officials, because agencies could ensure the right officials were in the room at the right time, and could prepare better for areas of questioning.

Committees continue adapting the process, with some committees noting that their first uses of structured agendas were quite restrictive and could constrain discussion. Other committees had already built flexibility into their processes.

Concerns about performance reporting and inquiry by Finance and Expenditure Committee

Three committees used their scrutiny activities reports to highlight issues with the quality of information provided to Parliament about the performance of performing public entities. These perspectives accord with recent concerns expressed by the Auditor-General about the whether the existing performance

reporting system is fit-for-purpose, and such concerns have prompted the Finance and Expenditure Committee to initiate an inquiry into performance reporting and public accountability in New Zealand. In initiating the inquiry, the committee supported the view that current performance information is difficult to read and does not enable Parliament or the public to understand what outcomes and value are being achieved with public money. This affects the ability of Parliament to hold the executive to account. The committee initiated the inquiry to explore what improvements could be made to reporting systems. Potentially the inquiry could result in further changes, both to the House's scrutiny procedures and the statutory reporting requirements that underpin them.

Consideration of amendments as private legislation

The *Fast-track Approvals Bill* sought to provide a mechanism for major infrastructure and development projects to bypass ordinary consent processes by providing an alternative consent pathway. The bill provided for developers to apply to be included in the scheme, but the Government also wanted to specify in primary legislation some projects that could be considered for inclusion from the outset. The Minister in charge of the bill lodged an Amendment Paper with an amendment to include a list of projects in a schedule to the bill.

During the committee of the whole House stage of the bill, the Chairperson ruled that the amendment was inadmissible as being private legislation. She noted that some projects were connected to individuals acting in a private capacity and that including the projects in the bill would be to the benefit of the specified persons.

The committee recalled the Speaker, who rejected the Minister's argument that the amendment should be permitted simply because the Government considered it a matter of public policy. In the Speaker's view, such reasoning would effectively end the distinction between public and private legislation, which was not desirable. Instead, the Speaker laid out a three-part test for whether a provision is private legislation and therefore inadmissible in a Government bill: (1) Does the provision affect a particular person or body in a private capacity? (2) Does the provision affect the person or body but not affect all others belonging to the same category or class? (3) Does the provision have a legislative effect that gives rise to a particular benefit or interest to the person or body? Similar tests are used in other Parliaments, such as at Westminster (*Erskine May* was consulted when articulating the test). Moreover, tests along these lines have long been applied in New Zealand, but have not previously been spelled out by the Speaker in this way.

After applying the legislative effect test, the Speaker concluded that the amendment did not give rise to a particular benefit or interest, as projects were

not guaranteed approval merely by being referred to in the schedule; they only bypassed the initial stage of selection for the alternative process. On that basis, the Speaker overturned the Chairperson's ruling and permitted the amendment to be put to the committee. The amendment was adopted and the bill passed by the House.

Parliament Bill introduced and considered by select committee

The *Parliament Bill* is a consolidation of four Acts relating to the operation of Parliament, including provision for parliamentary privilege, remuneration and services for members, administration of the parliamentary precincts, and the parliamentary agencies—the Office of the Clerk and the Parliamentary Service. The bill re-enacts and updates these provisions, as well as making some substantial policy changes, such as the following:

- providing a statutory basis for security arrangements on the parliamentary precincts, at electorate and community offices, and at parliamentary meetings outside the precincts—in particular, this involves the conferral on parliamentary security officers of limited powers of search, seizure, and detention
- setting out a funding model for the parliamentary agencies so their appropriations are commended by the House, rather than determined by the executive
- aligning provisions relating to the functions of the parliamentary agencies, the appointment and conditions of the heads of the agencies, and the employment and conditions of staff.

After being developed over several years, with bipartisan support, the *Parliament Bill* was introduced on 5 September 2024 and read a first time a few weeks later. The bill was referred to the Parliament Bill Committee, a select committee established especially for the purpose. The previous Speaker, Rt Hon Adrian Rurawhe, was elected as the committee's chairperson.

Submissions were received on the bill from 62 people and organisations, many of whom raised policy matters that went well beyond the bill's contents. Of the policy proposals in the bill, the one that attracted the most comment from submitters was the new statutory framework for parliamentary security. Several submitters were concerned about the introduction of limited coercive powers for parliamentary security officers, as they felt this could affect people engaging with Parliament.

The Parliament Bill Committee was satisfied that the lack of statutory powers to support actions taken by parliamentary security officers could place people in the precincts at risk, and that the bill's provisions relating to parliamentary security should proceed. The committee expressed its strong expectation that the current level of freedom to use and protest lawfully on the Parliament

grounds would continue, and that the additional powers proposed in the bill would be exercised in a measured way, consistent with the *New Zealand Bill of Rights Act 1990*. The committee accepted that resource constraints mean the Police will not be able to implement a general increase in its presence, and agreed it is desirable, where practicable, to maintain a high level of accessibility at Parliament without a prominent Police presence.

While largely maintaining the bill's policy approach for parliamentary security, the committee recommended substantial amendments. These included the strengthening of reporting and oversight of the use of security powers, and the increasing of requirements for parliamentary security officers to be qualified and trained for the role.

Because of the constitutional nature of the bill, the Parliament Bill Committee sought to continue the consensus-based approach under which the bill was developed. Its report was presented on 21 March 2025, and it is anticipated that the bill may be passed before the end of 2025.

UNITED KINGDOM

House of Lords

For the first time, on 22 January 2024 the House resolved that a treaty should not be ratified, under the provisions of the *Constitutional Reform and Governance Act 2010*. Treaties are usually scrutinised by the International Agreements Committee, which then reports them to the House, and this was also the first time that the Committee had recommended that a treaty not be ratified. The treaty in question was the UK-Rwanda Agreement on an Asylum Partnership, which was a response to the judgment of the Supreme Court on 15 November 2023 that the Government's policy of sending asylum seekers to Rwanda was unlawful. The effect of the resolution was largely symbolic, as under section 20 of the Act ratification can proceed notwithstanding a resolution of the House of Lords calling on the Government not to ratify, as long as a minister has laid a statement saying that they are "of the opinion that the treaty should nevertheless be ratified". Such a statement was laid on 25 April 2024.

On 30 April 2024 there were two divisions on the *Victims and Prisoners Bill* in which there was an equality of votes. This was the first recorded instance of two tied votes in one day. Under Standing Order 55, if there is not a majority in favour of a decision (making an amendment, or rejecting bill or statutory instrument), then it is defeated, on the principle that no proposal to reject or amend a bill or instrument should be agreed to unless there is a majority in favour. In the Chamber, because there is no 'winning side', the Clerk at the Table, rather than one of the Tellers, delivers the result to the Woolsack, along with a form of words for the member on the Woolsack to read out explaining

the outcome under Standing Order 55.

The Labour manifesto and following King's Speech committed to removing hereditary peers from the House of Lords. While the bill to deliver this was passing through the Commons, and ahead of its consideration in the Lords, a general debate on House of Lords reform more widely took place on 12 November ahead of the second reading of the bill (debate on the general principles) in the House of Lords a month later.

The *House of Lords Act 1999*, which provided for the continuing membership of 92 hereditary peers, required the House to make arrangements in Standing Orders for by-elections in the event of vacancies arising. Under Standing Order 9 such by-elections were to be held within three months of a vacancy occurring, but in anticipation of the bill passing, on 25 July 2024 the Leader of the House moved a motion to extend this time-limit from three to 18 months. Given that a vacancy had occurred on 20 May 2024 (with the retirement of the Earl of Sandwich), this motion pushed back the deadline for electing a successor from 20 August 2024 to 20 November 2025. At the time of writing it is uncertain whether the Bill will pass and the session end before this extended deadline is reached.

Since 2015, senior diocesan bishops who are women have been given priority for a seat in the House of Lords, above bishops who are men with longer service when a vacancy occurs. This provision, designed to ensure there were bishops who were women in the House of Lords following the Church of England's decision to allow women to become bishops in 2014, was due to expire in 2025, but the *Lords Spiritual (Women) Act 2015 (Extension) Act* extended the priority for women bishops until 2030.

2024 saw the completion of a long-standing project to digitise the Journal Office's 'hanging files'. The Hanging Files are the Journal Office's precedent and procedural library, and the notes, papers and correspondence contained in them date back to the late 19th century. There are over 13,000 files in the Hanging Files, and the digitisation was carried out by an external company, specialising in digitising historical documents. An online system, accessible to all colleagues with a business need, has been created to allow the easy searching and accessing these files and to make it easier to add new files into the system. It also contains a library of other procedural material including old reports from the Procedure Committee, Leader's Groups and domestic committees. The new system has quickly become part of everyday usage, and significantly easier to access than the old paper files, which are now in the Archives. 2024 also saw the commencement of work to digitise the historic House of Lords Journal, the historic record of the proceedings of the House of Lords dating back to 1509. More on this next year…

Northern Ireland Assembly

Return of the devolved institutions in February 2024

The first sitting of the Assembly in 2024 was held on 17 January 2024 when the Assembly again failed to elect a Speaker with cross-community support. Since the election to the Assembly in May 2022, the DUP (the largest unionist party at the Assembly) had maintained its position of refusing to support the return of the devolved institutions until its concerns about the Protocol on Ireland/ Northern Ireland (later to become the Windsor Framework) were addressed.

On 31 January 2024, the UK Government published its 'Safeguarding the Union' command paper which set out a number of new measures aimed at simplifying trade between Great Britain (GB) and Northern Ireland including;

- No routine checks on GB goods sent to Northern Ireland (where Northern Ireland is the final destination);
- A UK Government commitment to introduce legislation to guarantee that Northern Ireland goods can be sold in GB in all circumstances, and to affirm Northern Ireland's place in the UK;
- The establishment of a new body, Intertrade UK, to promote internal UK trade;
- Cancelling plans to build a border control post at Cairnryan; and
- A commitment to screen primary legislation for implications for Northern Ireland's place in the UK internal market

The UK-EU Joint Committee also agreed new provisions to allow Northern Ireland to benefit from any Free Trade Agreements signed by the UK.

On 29 January 2024, then DUP leader Sir Jeffrey Donaldson won the support of his party's executive to return to the Northern Ireland Assembly and Executive on the basis of the deal, subject to the legislation being passed at Westminster.

Consequently, at a sitting on Saturday 3 February 2024, the Assembly elected Mr Edwin Poots MLA as Speaker. Three deputy Speakers were also elected. Ms Michelle O'Neill (Sinn Féin) and Mrs Emma Little-Pengelly (DUP) were appointed as First Minister and deputy First Minister respectively, and all other Ministerial offices were filled. This marked the first time that a nationalist MLA had held the position of First Minister.

In addition, the Social Democratic and Labour Party (SDLP) chose to be recognised as the official Opposition, with Mr Matthew O'Toole MLA as Leader of the Opposition. There are a number of entitlements that the Opposition may avail of including additional speaking opportunities and Opposition days in plenary.

The Windsor Framework

The Windsor Framework had been agreed between the UK and EU in February

2023. The Framework contained new mechanisms for the engagement of the Northern Ireland Assembly on EU law applicable under the Windsor Framework (formerly the Protocol on Ireland/Northern Ireland).

In March 2023, Parliament had approved the draft Windsor Framework (Democratic Scrutiny) Regulations 2023. Following the publication of 'Safeguarding the Union', and confirmation that the DUP would support the return of the devolved institutions, these Regulations were made by the Secretary of State for Northern Ireland on 1 February 2024.

The Regulations inserted a new Schedule 6B into the *Northern Ireland Act 1998* which set out arrangements for:

- The establishment of a new Windsor Framework Democratic Scrutiny Committee of the Assembly
- The process by which members of the Assembly may seek to prevent the application of a replacement EU act under the Windsor Framework (known as the 'Stormont Brake')
- Provision relating to the position of the UK in the UK-EU Joint Committee with respect to the proposed application of new EU acts to Northern Ireland under the Windsor Framework (through the establishment of the Northern Ireland Assembly position through a debate on an 'applicability motion').

In addition, the Windsor Framework (UK Internal Market and Unfettered Access) Regulations 2024 and the Windsor Framework (Constitutional Status of Northern Ireland) Regulations 2024, which gave effect to commitments set out in 'Safeguarding the Union', were made in February 2024.

Windsor Framework Democratic Scrutiny Committee

The Windsor Framework Democratic Scrutiny Committee, a new standing committee of the Assembly, held its first meeting on 15 February 2024. The Committee's purpose is to assist with the observation and implementation of Article 13(3a) and 13(4) of the Windsor Framework.

These are the parts of the Framework that set out the processes for how EU acts apply in Northern Ireland. The Committee has a number of statutory duties and operates to very tight deadlines for making decisions. To date, the Committee has conducted a number of inquiries and published reports on various EU acts.

Given that the Committee operates on the basis of notifications from the UK Cabinet Office, the Committee has been, and will continue to be, required to meet during Assembly recess periods. The Assembly has agreed a new Standing Order providing for the Windsor Framework Democratic Scrutiny Committee and providing for it to have substitute members to allow the Committee to fulfil its statutory duties, including during Assembly recess periods.

Stormont Brake
The first application by 30 members requesting that the UK Government prevent a replacement EU law applying in Northern Ireland was made in December 2024 on Chemicals Classification, Labelling and Packaging Regulations. Responding to this application in January 2025, the Secretary of State for Northern Ireland did not consider that the test for the application of the Brake had been met and therefore did not prevent the application of this replacement law.

Applicability motions
As per Schedule 6B of the *Northern Ireland Act 1998*, in the absence of cross-community support (by means of an applicability motion) in the Assembly, the UK Government must not agree to the adoption of a decision by the Joint Committee to add a new EU act to the Windsor Framework. However, the UK Government may agree to the adoption of such a decision if a Minister of the Crown considers that there are exceptional circumstances that justify the adoption of the decision or if the new EU act would not create a new regulatory border between Great Britain and Northern Ireland.

The Assembly has to date debated two applicability motions on the potential application of new EU law in Northern Ireland – in March 2024 on geographical indication protections for craft and industrial products and in April 2024 on labelling of organic pet food.

On the former, the motion was not passed with the requisite cross-community support. However, the UK Government's subsequent assessment was that the regulations would not create a regulatory border between Great Britain and Northern Ireland and consequently it agreed at the UK-EU Withdrawal Agreement Joint Committee of 29 April 2025 to apply this measure in Northern Ireland.

The second applicability motion on organic pet food was agreed with cross-community support in April 2024 and has since been added to the list of EU law applying in Northern Ireland under the Windsor Framework.

Democratic Consent Mechanism
Articles 5 to 10 of the Windsor Framework contain provisions on customs, movement of goods, EU single market regulations, VAT and excise, the single electricity market, and state aid. Essentially this means Northern Ireland continues to align with many EU rules and maintains access to the EU single market for goods (unlike the rest of the UK).

Article 18 of the Protocol on Ireland/Northern Ireland contained provisions for a 'democratic consent mechanism' – a vote by the Northern Ireland Assembly on whether Articles 5 to 10 of the Protocol should continue to apply.

The first vote had to be held by the end of 2024, i.e. four years after the end of the transition period. The Protocol on Ireland/Northern Ireland (Democratic Consent Process) (EU Exit) Regulations 2020 give legal effect to the process. These Regulations inserted a new Schedule 6A into the *Northern Ireland Act 1998*.

This Democratic Consent Process is separate to and unaffected by the provisions relating to democratic scrutiny set out in the Windsor Framework in February 2023. It involves the Assembly debating a motion on whether the relevant articles of the Windsor Framework should continue to apply.

The wording of the motion is set out in Schedule 6A:

"That Articles 5 to 10 of the Protocol on Ireland/Northern Ireland to the EU withdrawal agreement should continue to apply during the new continuation period (within the meaning of Schedule 6A to the *Northern Ireland Act 1998*."

The motion is to be decided without amendment and cannot be subject to a petition of concern.

The other articles in the Windsor Framework would remain in force regardless of the outcome of the democratic consent vote. These include provisions on rights of individuals, the Common Travel Area etc.

If the motion is passed by a majority of MLAs, the next vote will be held 4 years later. If the motion is passed by a majority of MLAs, and has cross-community support, the next vote will be held 8 years later.

Cross-community support for these purposes follows the definition within the *Northern Ireland Act 1998* as:

- the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or
- the support of 60% of the members voting, 40% of the designated Nationalists voting and 40% of the designated Unionists voting.

If the Assembly votes against the motion, Articles 5 to 10 shall stop applying after two years.

In 2024 the democratic consent process was initiated by the Secretary of State for Northern Ireland giving notice to the Assembly Speaker and the First and deputy First Ministers on 31 October 2024. During the following month, the First Minister and deputy First Minister (acting jointly) exclusively could table the motion.

Should they not do so, as was the case in 2024, any other MLA may table the motion during the following week. Members from Sinn Féin, the Alliance Party and the Social Democratic and Labour Party jointly tabled the motion on 1 December 2024. As required, the Secretary of State published explanatory materials for MLAs and laid a written statement in Parliament.

Democratic Consent Mechanism: outcome of debate

The debate on the motion was held on 10 December 2024 and was passed by simple majority (i.e. without cross community consent). 84 members voted, of which 48 members voted Aye and 36 members voted No. All 30 of the Nationalist votes cast were Ayes. All 36 of the Unionist votes cast were Noes. All 18 of the Other votes cast were Ayes.

As a result of this outcome, the UK Government had a statutory duty to commission an independent review into the Windsor Framework and its implications. The review's purpose is to provide the Government with a report of its conclusions on the functioning of the Windsor Framework arrangements and its implications on social, economic and political life in Northern Ireland.

The UK Government commissioned Lord Murphy of Torfaen to carry out the review and he expects to provide his report to the Government in advance of the summer recess period. The review will be carried out in line with requirements set out in the Part 6 of Schedule 6A of the *Northern Ireland Act 1998*, and the Unilateral Declaration made by the UK Government on 17 October 2019 concerning the operation of the 'Democratic consent in Northern Ireland' provision of the Protocol. The review will examine issues required to be addressed for the Windsor Framework arrangements to command cross-community support.

As part of his evidence gathering, Lord Murphy has visited Northern Ireland, meeting with the main political parties, members of the Assembly's Windsor Framework Democratic Scrutiny Committee and local stakeholders.

Following receipt of the report on the independent review, the UK Government will publish it, lay a copy before Parliament for debate and send a copy to the Speaker of the Assembly. The UK Government has expressed its expectation that there should be an Assembly debate in advance of the Parliamentary debate.

Scottish Parliament

In December 2024, an ad-hoc committee was established in response to the findings of a Finance and Public Administration Committee inquiry into Scotland's independent commissioner landscape, particularly in respect of such commissioners that are supported by the Scottish Parliamentary Corporate Body (SPCB).[9] The Committee's remit is to review and develop a framework for SPCB supported bodies including by defining how these bodies can be held to account and scrutinised, setting stronger criteria for creating new supported bodies and identifying how services and offices can be shared between these

[9] https://digitalpublications.parliament.scot/Committees/Report/FPA/2024/9/16/9987d9fc-1699-4bfd-84ef-a742adf776c8#Introduction

bodies. This Committee is expected to publish its report in June 2025.

Senedd Cymru

The Senedd's Standards of Conduct Committee inquiry into individual member accountability

The Standards of Conduct Committee (the Committee) agreed to undertake an inquiry into Individual Member accountability and the potential for it to be strengthened, in light of evidence received during Stage 1 consideration of the *Senedd Cymru (Members and Elections) Bill.*[10]

The Reform Bill Committee, which undertook the scrutiny of the Bill, recommended that the Committee should develop options to achieve this, including consideration of a recall mechanism, the disqualification arrangements, and the sanctions available to the Committee when a complaint about a member is upheld. It also recommended that public consultation on potential options should be completed before the end of the Sixth Senedd in 2026.[11]

While Stage 1 proceedings were taking place, a petition (P-06-1386)[12] was also considered by the Petitions Committee, calling for the Senedd to adopt a recall procedure similar to the process that applies in Westminster, but with a trigger mechanism of a 100-signature online petition. The Committee agreed to consider it as evidence to its inquiry, at the request of the Petitions Committee.[13]

During Stages 2 and 3 of both the *Senedd Cymru (Members and Elections) Bill*[14]and the *Elections and Elected Bodies (Wales) Bill*[15], amendments were brought forward to introduce a recall system; and also to introduce a criminal offence for deliberate deception as grounds upon which a person could be disqualified from being a Senedd member, or from standing as a candidate in a Senedd election, for a period of four years.

There was broad cross-party support for the principles behind the amendments but also a recognition that this was an area which needed further careful consideration.

The former Counsel General, Mick Antoniw MS, wrote to the Standards of Conduct Committee highlighting that he was:

[10] https://business.senedd.wales/documents/s150303/Senedd%20Cymru%20Members%20and%20Elections%20Bill%20as%20passed.pdf

[11] https://senedd.wales/media/bupjpf3z/cr-ld16271-e.pdf

[12] https://petitions.senedd.wales/petitions/245500

[13] https://business.senedd.wales/documents/s148906/Letter_from_the_Chair_of_the_Petitions_Committee.pdf

[14] https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=41915

[15] https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=41986

> …supportive of the general principle underpinning these amendments, and of the increased accountability of members they would bring. My decision not to support the amendments was because such complex and continually important issues require a fuller consideration than the amending stages of this Bill can provide, and mindful of the related recommendation to, and proposed review by your Committee.[16]

In relation to introducing a recall system, the former First Minister, Vaughan Gething MS, confirmed that the Welsh Government would "work constructively with all parties" on recall and that it is committed to have the issue resolved before the next Senedd election.

On the matter of the disqualification of members and candidates found guilty of deliberate deception through an independent judicial process, and in order to pass the *Elections and Elected Bodies (Wales) Bill*, the former Counsel General committed to bringing forward legislation before 2026 and wrote to the Committee, inviting it to make proposals to this effect.[17]

The Committee therefore agreed to incorporate deliberate deception as part of its wider inquiry into member accountability, with the aim of making recommendations to improve trust and transparency in the Senedd's processes.

It also decided it would gather evidence on recall and deliberate deception concurrently, but report on each subject area separately.

Recall

Once elected, a member is accountable to their constituents and ultimately, a member who stands for re-election is held to account by the public at each election. Currently, Members can be disqualified and removed during a Senedd term for specified reasons, including if convicted of a criminal offence and sentenced to a custodial sentence of 12 months or more.

Members are also expected to meet the standards of behaviour and rules set out in the Senedd's Code of Conduct, and may face sanctions for breaches of these rules. It is worth noting that the current Senedd Code of Conduct applies to members at all times and does not distinguish between public and private lives.

However, the Reform Bill Committee came to the view that consideration should be given to introducing a recall mechanism for Senedd members as a means of strengthening accountability. Evidence gathered by it pointed to the Westminster model, however the Committee intend to take evidence on how this may work in practice under the new closed list proportional representation

[16] https://business.senedd.wales/documents/s152592/Letter_from_Council_General_-_13_March_2024.pdf

[17] https://business.senedd.wales/documents/s153728/Letter from the Counsel General.pdf

electoral system which has come into force for the 2026 Senedd election.

The Committee also intends to consider what may trigger a recall and the mechanics of running such a process.

Deliberate Deception

The Committee had already begun its inquiry into member accountability prior to the Counsel General's letter inviting it to make proposals on deliberate deception. The terms of reference were therefore broadened to include:

> "Gathering evidence on the merits of introducing further mechanisms for the disqualification of Members and candidates found to have deliberately deceived the electorate including through an independent judicial process."

As part of the negotiations to pass the *Elections and Elected Bodies (Wales) Bill*, the Welsh Government agreed with the Committee Chair that members who were proponents of the amendment relating to the offence of deception (Adam Price MS, Lee Waters MS and Jane Dodds MS) would work with the Committee as 'additional members' on the related elements of the Committee's inquiry. To give effect to this agreement, the Chair invited those members, along with James Evans MS for the Welsh Conservative group, to attend committee under Standing Order 17.49 (which enables members to participate in a committee meeting with the Chair's permission, but not vote), to contribute to its inquiry as 'observer Members'.

A Memorandum of Understanding[18] setting out how this would work in practice, was agreed between Committee members and observer members and published on the Committee's inquiry page.[19]

The Committee has completed its public consultation on both recall and deliberate deception and is currently taking evidence from a wide range of organisations and individuals. It intends to report by January 2025, to allow time for the Welsh Government to bring forward legislation before the 2026 Senedd elections.

Future Senedd Committee established

On Wednesday 16 October 2024, the Llywydd (Speaker) moved a motion to establish a Future Senedd Committee, with a remit to consider and report by 9 May 2025 on three matters:

a. the organisation of business in the Seventh Senedd, with the objective of identifying options that increase the effectiveness of its scrutiny activity, the efficiency of its day-to-day delivery of business, and the accessibility of parliamentary business to members;

[18] https://business.senedd.wales/documents/s500014784/MoU Observer Members.pdf

[19] https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=43871

b. solutions to barriers (real and perceived) which may, or have the potential to, impede the Senedd's ability to represent people of all backgrounds, life experiences, preferences and beliefs, including consideration of the draft and final diversity and inclusion guidance for political parties; and
c. the thresholds currently set in Standing Orders for the number of members required for various purposes, including (but not restricted to) the formation of political groups, removal of office holders, and quorum.

The membership proposed, and agreed, for the Future Senedd Committee ("the Committee") included a member from each of the Senedd's political groups (Welsh Labour, Welsh Conservatives, and Plaid Cymru), and a Welsh Minister (the Counsel General and Minister for Delivery (Welsh Labour)). The Deputy Presiding Officer was elected as Chair of the Committee, with the motion to establish the Committee prohibiting the Chair from voting except in the exercise of a casting vote.

The inclusion of a Welsh Minister as a member of the Committee was unusual, but was proposed on the basis that the Government's views on the organisation of business in the Seventh Senedd needed to be considered and that securing Government support for the Future Senedd Committee's eventual outputs would increase the chances of them being implemented by the Senedd.

The Committee met for the first time on 23 October 2024. At this meeting, the Committee agreed to exclude the public from the majority of its future meetings, as the Committee was considering the internal business of the Senedd. In a further break from normal committee operations in the Senedd, the Committee agreed that each committee member could be accompanied by an official from their political group, or the Welsh Government in the case of the Counsel General and Minister for Delivery. These observers were not permitted to participate in proceedings.

Members of the Senedd not in a political group (of which there were two at the time of the Committee's establishment) were invited to attend committee meetings, should they wish, but were not permitted to vote. Neither member in this category had attended a meeting of the Committee by the end of 2024.

COMPARATIVE STUDY: SUPPORT OFFERED TO FORMER MEMBERS

This year's comparative study asked: What support do you offer to members when they cease to be members? Does this vary if they lose their seat or step down voluntarily? What privileges do former members maintain? Has the support you offer to members ceasing to be members changed recently?

AUSTRALIA

House of Representatives

The typical ways members of the House of Representatives cease to be members include their resignation during a Parliament, upon dissolution of the Parliament if a member is not standing for re-election, or defeat at election. Former members are entitled to a range of support offered through the Department of the House of Representatives, other parliamentary departments and the government Department of Finance. This support does not generally vary based on how the member ceased to be a member, except for entitlement to a resettlement allowance.

Parliamentary privilege

Immunity for members applying to proceedings in Parliament continues to apply in respect of those proceedings even though a person is no longer a member (*House of Representatives Practice*, 7th Edition, p.740).

Titles

Use of the title 'MP' is not retained by former members. A member who has been a minister or assistant minister and been appointed to the Executive Council has the title 'Honourable' and this title is generally retained for life. Similarly, a member elected Speaker can use the title 'Honourable' and is generally granted the privilege to retain this title for life if they have served as Speaker for three or more years.

Parliament House access and services

Former members may obtain a photographic security pass to continue unrestricted access to Parliament House and can continue to access the facilities including the Parliamentary Library collection, Health and Recreation Centre and catering facilities (including the Members' Dining Room). Where possible, former members wishing to watch Chamber proceedings will be seated in the

Speaker's Gallery, and the Speaker will often announce former members as distinguished guests. Former members may also purchase bound volumes of the House of Representatives Hansard covering their time in parliament.

Transition support

The Department of the House of Representatives provides former members with access to a free and confidential counselling service for a period of 12 months. Former members and their staff can also choose to use the counselling and support services provided by the Parliamentary Workplace Support Service. These services are available to former members on an ongoing basis.

The Serjeant-at-Arms' Office (SAAO), within the Department of the House of Representatives, supports the *Association of Former Members of the Parliament of Australia*, a voluntary association of former members and senators. In addition to other events and publications, the Association publishes *After Parliament*, a guide providing information on the rules and allowances applicable to former members.

Support to vacate offices

The SAAO assists former members to vacate their Parliament House office within two weeks of their ceasing to be a member. Former members who come to Canberra to supervise removal of their personal effects from their office are entitled to claim a reimbursement for commercial accommodation expenses. The Department of Finance's Ministerial and Parliamentary Services team provides advice and assists former members to vacate their electorate offices.

Remuneration

The *Parliamentary Business Resources Act 2017* includes provisions for limited resources for former members. In the current Determination made under the Act, this includes expenses for a limited number of return trips, taken within three months after the person becomes a former member, between the person's home base and Canberra or the place of any office provided to them when they were a member or office holder. The Determination also provides for a resettlement allowance for former members who did not retire voluntarily, are not able to access a pension or superannuation benefit under the *Parliamentary Contributory Superannuation Act 1948* on leaving Parliament and intend to seek employment on leaving the Parliament.

While legislative elements of the above support to members are subject to change (including the annual Determination), the services and support offered to former members has not materially changed recently.

Senate

In general, a senator's access to remuneration and public resources under the *Parliamentary Business Resources Act 2017* ceases on the final day of their term as a senator.

Resettlement allowance

A resettlement allowance is payable if a senator:

- decides not to stand for re-election following the loss of party endorsement (except for reasons of misconduct); or
- seeks re-election but is defeated;

and the senator declares in writing to the Clerk that it is their intention to seek employment.

The resettlement allowance is six months of base salary ($116,830) for senators who have served more than three years and three months of base salary ($58,415) for other senators.

The above amounts have been determined by the Remuneration Tribunal as appropriate reskilling and re-employment assistance for senators seeking employment on leaving Parliament. Resettlement allowance payments are taxable income.

Post-retirement travel expenses

Former senators are also entitled to post-retirement travel expenses. Within the three months after a senator ceases to be senator, they are entitled to three return trips on scheduled commercial transport, either between their home base and Canberra or between their home base and their former electorate office (a commercial transport fare can be exchanged for a private vehicle allowance for one or more of the return trips).

Further details in relation to the payment of allowances and expenses for former senators can be found in Part 4 of the Remuneration Tribunal (Members of Parliament) Determination 2024.[1]

Other support for former senators

Former senators are able to access the private areas of Parliament House (after they have obtained an APH Access Card).

Former senators also have access to the *Association of Former Members of the Parliament of Australia* (AFMPA). AFMPA was established in 1988 as a voluntary association of former members and senators. A lounge facility is provided in Parliament House for the use of members.

AFMPA has established links with like organisations in some 20 countries

[1] https://www.legislation.gov.au/F2024L00799/latest/text

and has a varied program designed to assist the wellbeing of members of AFMPA. This includes an annual reunion and annual general meeting, and a quarterly magazine.

Every three years a memorial service is sponsored and arranged by the Association to honour the memories of parliamentarians who have passed away during the previous Parliament. Family members are invited to attend this service in Parliament House.

AFMPA also publishes a guide entitled *After Parliament* to assist former senators and members.

Privileges of former senators

Any words spoken or acts done by a former senator that formed part of proceedings in Parliament while they were a senator continue to be protected from impeachment or questioning in any court or tribunal after they cease to be a senator.

Recent changes

Support offered to former senators has not changed recently.

Australian Capital Territory Legislative Assembly

The term of office of all members ends on polling day and all members cease to be members on that day. Members receive payment of salary and any additional salary up to and including polling day.

Members who do not renominate or who renominate and are not elected will have no further entitlements as members from polling day, but will be eligible for a Resettlement Allowance equal to two weeks base salary for each year of service as a member, up to a maximum of 12 weeks salary.

Those members who renominate will be allowed continued use of office facilities after polling day for the duties they would have performed as a member. If it becomes clear that they will not be re-elected, these facilities will be withdrawn at a date determined by the Speaker in consultation with the outgoing member.

The Assembly offers an Employee Assistance Program that provides free, professional and confidential services to support members and former members. Former members and their families can access this program for 12 months after polling day.

Former members are offered professional career counselling consisting of three individual coaching sessions with a focus on identifying goals, a skills audit and CV review, and action planning.

The Office of the Legislative Assembly provides former members with a Certificate of Service.

There is a former Member Association which is currently considering the matter of additional support.

New South Wales Parliament

The support provided to departing members largely depends on whether they cease to be members during an election period or not.

At the last election in 2023, departing members received an assistance package, including career transition support. This career transition support gave members a choice of three options – job seeking skills and coaching, career coaching, or alternative support from an approved provider. This assistance did not vary if members lost their seat or stepped down voluntarily. In contrast, members who have resigned since the last election in 2023 have not received any assistance.

The assistance package offered at the 2023 election was an expansion of the support provided at the previous election in 2019 which offered an extended Employee Assistance Program.

Regardless of the circumstances under which they cease to be members, there is no financial assistance provided to former members, nor do they maintain any privileges and or entitlements.

Northern Territory Legislative Assembly

On ceasing to be a member, former members are provided a resettlement allowance of one month's basic salary for each year served, with a minimum allowance of four months' basic salary and a maximum of 12.

Queensland Parliament

Members who retire involuntarily from Parliament and meet certain eligibility criteria are entitled to be paid a Transitional Allowance. The allowance is calculated at the equivalent of either 12 weeks salary or 24 weeks salary, depending on eligibility.[2]

Following the October 2024 state election, for the first time non-returned members were offered access to a formal career transition and coaching programme sponsored by the Parliament to assist them transitioning to life after Parliament. The programme included:

- Choice of coach from a selection of highly experienced and qualified senior career coaches
- 12 hours of confidential, one-on-one coaching tailored to a member's specific needs

[2] See page 58 of the Members' Remuneration Handbook: https://www.parliament.qld.gov.au/Members/Members-and-Former-Members-Entitlements

- Optional psychometric assessment to understand strengths, drivers, and career preferences
- Specialist support to draft high-quality resume and LinkedIn profile
- Current relevant market information on industries and organisations.

All former members are invited to join the Queensland Former Parliamentary Members Association on ceasing as a member. In addition, former members retain the right to access certain privileges set out in the Former Members' Information Booklet.

South Australia House of Assembly

Financial

In addition to any superannuation entitlements, members who stand for re-election but are not returned are provided with 12 weeks salary.

Memberships

In addition to the Former Members Association, the House of Assembly provides staffing support for the Parliamentary Bowling Club and Australasian Study of Parliamentary Group which Former Members participate in.

Travel Entitlements

Life Gold Passes and Metro Card Special passes were issued to former members for their service prior to 1 January 2016 – this entitles the user to unlimited travel on various rail systems and metro public transport services

Parliament House Facilities

- Temporary parking permits on non-sitting days for zone in front of Parliament House, annual permits are provided for former Premiers and former Deputy Premiers
- Former members identification pass is provided to verify access to a temporary day security pass that provides access to internal corridors
- Access to Parliamentary Research Library
- Access to Member's and Stranger's Dining Room (subject to availability on sitting days)
- Access to Speaker's Dining Room on non-sitting days
- Access to Member's Refreshment Room (Bar)

Reforms

The House of Assembly is currently working with the Former Members Association on a range of reforms in the lead up to the 2026 South Australian general election. Initiatives being explored include longer access to leased vehicles for retiring or non-returned members post-election to allow time to

source new transport, email forwarding, access to the Parliament's Employee Assistance Program for 12 months post-election and the opportunity to make a valedictory speech at a function for those who were unable to do so in the House.

Tasmanian House of Assembly

The Tasmanian House of Assembly offers no support to members when they cease to be members.

Former members do retain some dining room rights once they cease to be members, allowing them use of the members' dining room and lounge area but they are unable to have guests in this area. Former members are also able to use the visitors' dining room with the allowance on one guest on a sitting day and up to three guests on a non-sitting day.

Parliament of Victoria

Support provided to former members

The Parliament of Victoria provides a range of transitional support services to outgoing members to assist with their transition to post-parliamentary life. These are available to members regardless of whether they lose their seat or step down voluntarily.

The Victorian Parliament and the Victorian Parliamentary Former Member's Association commissioned Deakin University to investigate the challenges experienced by former members in their transition to life after their parliamentary career. The report 'Transitioning to Life after Parliament' was completed in August 2021 and informed some of the support offered to former members after the 2022 Victorian State election.

Separation payment

Members leaving Parliament, either voluntarily or if they are defeated at an election, can receive a separation payment. The amount of the payment is between three and six months' annual basic salary, depending on length of service. Members of Parliament who were elected prior to November 2004 and who are members of Parliamentary Contributory Superannuation Fund are not eligible for a separation payment.

Immediate Support

As part of the post-election process, a team from the Parliament of Victoria will attend an outgoing member's electorate office to audit and retrieve parliamentary property. Acknowledging the sensitive nature of this occasion and the lasting impact it could have, Parliament now requires the audit team to include a member of staff who is trained in mental health first aid. The audit

team also provides the member with a certificate of parliamentary service, a former members' badge and a copy of the 'Former Members' Handbook' which detail the support services available to outgoing members as well as key contacts at Parliament.

Support in the medium term
A key aspect of the support package Parliament provides to outgoing members is the career transition support service. Parliament engaged two executive recruitment agencies to offer a variety of support programs to help outgoing members with the transition to work after parliamentary life. The career transition programs offer services such as career counselling, resume building, interview skills, social media and networking support, sector targeting and onboarding support, on a one-on-one basis over a period of 12 months with costs covered by the Parliament of Victoria. Outgoing members interested in seeking board positions may alternatively enrol in a Company Directors Course run by the Australian Institute of Company Directors (AICD). A capped sum can be reimbursed for outgoing members who undertake the AICD course. Additional support offered to outgoing members includes two hours of IT support and access to counselling services for the outgoing member and their family for a period of 12 months.

Ongoing support
Outgoing members also retain access to Parliament House, including usage of the Parliamentary Library resources, carparking on non-sitting days, bowling green and reserved seating in the Speaker's and President's Galleries. Former members who have served as a member for two terms or more, Premier for one year, Minister or Presiding Officer for three years will also retain their free Victorian public transport privileges.

Western Australia Legislative Council

When a Member of Legislative Council concludes their tenure, they are entitled to a transition allowance, provided they completed one full term of Parliament or more. The value of this transition allowance is set by the Salaries and Allowances Tribunal of Western Australia, which is an independent body with statutory responsibilities to inquire into and set remuneration for various senior public offices.

The transition allowance is provided to facilitate a member's post-parliamentary transition, which may include accessing resettlement advice and services, financial counselling, re-employment counselling, training costs, and any other costs incurred as the member considers necessary. The allowance ranges from three to nine months of the base remuneration for a Member of

Parliament, based on length of tenure.

Additionally, former members are entitled to access Parliament House in Western Australia freely through the main entrance. This includes access to the library, in-house gym, member's dining room (on non-sitting days), the "Stranger's Lounge" with up to five guests, and parking around the Parliamentary Reserve.

Whether a member loses their seat or steps down voluntarily has no impact on the privileges or allowances afforded to them. Support offered to former members has not significantly altered in recent years.

CANADA

House of Commons

Since 2019, the House of Commons Administration offers a transition program to support departing members. Transition information and supports were also available to members prior to 2019, but the approach was redesigned and improved as a program that is organised in a logical sequence, that integrates content from subject matter experts across the House of Commons Administration, and that meets members' needs from their perspective.

The transition program aims to (1) facilitate a smooth and dignified exit process for departing MPs, minimising disruption and ensuring a positive transition experience; (2) assist MPs and their staff to understand what is required to exit Parliament and to support them in the process; and (3) support departing MPs in their professional transition beyond Parliament, promoting their well-being and success in post-parliamentary endeavours.

Each member is assigned a "buddy" called a transition officer, who is the member's single point of contact for questions during the transition process. Transition officers also arrange for members to meet with subject-matter experts from the House of Commons Administration, as required, to ensure all the necessary actions and tasks are completed.

Departing members have access to transition support and services within the transition program. These services can be grouped into four categories:

1. Pension, Severances and Personal Support
2. Career Transition Services
3. Residence Relocation
4. Access to Facilities and Resources

Departing members are also assisted with the closure of their offices, the termination of their employees, and the settlement of financial matters related to the management and administration of the member's offices, budget and activities.

Pension
To be entitled to a monthly pension, a member must have accumulated at least six years of service as a Member of Parliament.

If the member has accumulated less than six years of service, they will receive a withdrawal allowance, which represents a reimbursement of all contributions made to the Members of Parliament Pension Plan, plus interest, calculated at a rate of 4% and compounded annually.

Severance
To be eligible for a severance allowance, a departing member must have less than six years of service at the time of departure or more than six years of service at the time of departure and be under the age of 55.

The severance allowance is paid as a lump sum, in an amount equal to 50% of the sessional indemnity plus any additional salary to which the member is entitled as of the date of the election. Any amount received in cash must be taxed at source (subject to the applicable income tax withholding rates for lump-sum payments) and will be considered income for tax purposes for the year in which it is received.

Personal support
Departing members and their family have access to an Employee and Family Assistance Program for 12 months following the member's departure. This service provides confidential and immediate support for personal, work, health and well-being issues, at no cost, 24 hours a day, seven days a week, from anywhere in Canada.

Career transition services
Departing members can access career transition services through a third-party outplacement firm for up to a year after the election. Career transition support is provided to help guide departing members who will be pursuing new career opportunities or entrepreneurial paths or who have decided to retire.

These services include one-on-one coaching packages to help members:
- identify practical strategies to re-enter the job market;
- explore entrepreneurial opportunities or retirement planning;
- successfully search for jobs through career portals;
- update their resumés and prepare for interviews; and
- evaluate and negotiate job offers.

Departing members are provided with a transition support allocation of up to $15,000 for career counselling. This allocation can also be used for certain career transition expenses associated with training or education at a recognised institution in a field related to the career that members intend to pursue.

Residence relocation
Eligible members may relocate from the National Capital Region (NCR) to a residence in Canada outside the NCR within one year of ceasing to be a member. Eligible expenses related to relocation are reimbursed pursuant to the Members' Allowances and Services Manual.

Access to facilities
Departing members and their spouse maintain access to the following resources within the Parliamentary Precinct:

- Select Library of Parliament services
- The Parliament buildings
- The Parliamentary dining room and cafeterias
- The Members' gym
- The Parliamentary parking lots

The transition program also establishes contact between departing members and the Canadian Association of Former Parliamentarians.

All departing members are supported through the transition program, as described, regardless of whether they have lost their seat or are stepping down voluntarily.

Senate

The Senate of Canada makes no distinction between senators who retire and those who resign before the mandatory age of retirement. All senators receive the same level of service. What follows is a description of the services various directorates offer to former senators.

Finance
The Senators' Office Management Policy provides for the following:

- Within one year of the departure of the senator, payment of moving expenses (subject to certain limitations) related to one move from the senator's Parliamentary Precinct accommodation or their Parliamentary Precinct office to a location within Canada. These expenses are to be paid from central funding.
- In the period not exceeding two months following their departure date, senators are provided with the following resources that are paid from central funding:
  - Use of one full-time staff member, or, in the case of a sudden departure, two full-time staff members, the primary function of which shall be to assist with office closing procedures;
  - Use of their Parliamentary Precinct office, its contents, and its facilities (including internet and telephone) as required for the senator and staff

as set out in the *Senators' Office Expense Index*;
- Use of Parliamentary Precinct common-use facilities and services that do not incur direct, extra costs;
- Use of Senate wireless device and IT equipment; and
- Use of goods and services required for office closing logistics (i.e. moving boxes).

- Upon their departure, senators are provided with the use of the equivalent of up to four travel points, paid from central funding, for the purpose of travel related to closing a Parliamentary Precinct office and concluding parliamentary functions.

The *Senate Administrative Rules* provide that until the Internal Economy Committee decides otherwise, the Chief Financial Officer shall administer, on behalf of the President of the Treasury Board, the retiring allowance to be paid to former senators and persons claiming through them, as well as any other benefits provided for by law. These Rules also provide that former senators may participate in the benefit plans applicable to former members of the management category of the Public Service that are approved by the Internal Economy Committee, subject to the directions of that Committee respecting the payment of premiums. Finally, for those former senators who are in receipt of a retiring allowance, the Senate shall pay the portion of the premium of a former Senator's participation in the provincial health insurance plan of their province or territory of residence that is normally paid by their employer.

Human resources

The Senate's Human Resources Directorate provides information, advice and services for former senators on their pay, benefits and pension program and provides them or their representatives with counselling and advice. This directorate provides expert advice and guidance and calculations in a confidential manner to former senators on the application of legislation, including the *Members of Parliament Retirement Allowances Act* and the *Members of Parliament Retirement Compensation Arrangement*, policies, procedures and systems governing pay, benefits (e.g., insurance; allowances; etc.) and pension. Former senators who wish to can be added to a mailing list kept by this directorate for the purpose of receiving email notifications about a former member's passing.

Corporate security, access, and the Office of the Usher of the Black Rod

For up to six months post-retirement, the Senate Corporate Security Directorate continues to offer technical security support services in relation to a senator's residential security systems, technology and infrastructure and will continue to assume the monthly costs of these services. After the six-month period, the

assets are transferred to the former senator, who becomes responsible for any associated ongoing costs and troubleshooting should they choose to maintain these services.

Former senators do not retain access credentials, but those seeking access to Senate buildings can benefit from an exemption from security scanning. Rule 2-10 of the *Rules of the Senate* provides that former Senators who wish to hear the debates may use the seats reserved for them outside the bar.

Upon the retirement or resignation of a senator, the Office of the Usher of the Black Rod updates the board of seniority and sends the senator's name plate to them as a souvenir. Upon request, this office informally assists former senators with a variety of special requests (assistance with organising tours for guests for example).

Canadian Association of Former Parliamentarians

Former senators may also join the non-partisan Canadian Association of Former Parliamentarians (CAFP), an organisation that seeks to support and engage former senators and MPs in their post-parliamentary lives.

The CAFP was founded in 1987 and established by the *Canadian Association of Former Parliamentarians Act 1996*. It serves as a meeting place for former parliamentarians, providing them the opportunity to continue strengthening democratic institutions and engaging in the political process both within Canada and internationally. Active members have access to various events, international study tours, and national and international programs related to parliamentary democracy and governance. The association also publishes a magazine called *Beyond the Hill* and maintains a website at www.exparl.ca.

There is no distinction between the support provided to former parliamentarians who lose their election and those who choose not to seek re-election. All are entitled to the same benefits. The Association also maintains a list of former parliamentarians who are available to provide a listening ear to members who may need support in the move from public to private life.

The administration of the CAFP is carried out by two Logistics Officers from the House of Commons, under the direction of a Deputy Principal Clerk. The Senate of Canada contributes to the financing of the Association by providing 30% of its operating budget and 30% of the salaries of the two logistics officers. The Association is managed by a Board of Directors made up of former parliamentarians.

Alberta Legislative Assembly

The following support is provided regardless of under what circumstances the member ceases to be a member.

The transition allowance, discussed below, is a recent addition to former

members' benefits.

The Legislative Assembly Office's (the office that supports members in terms of pay and benefits and in a number of other ways) Extended Benefit Option provides all retiring members the opportunity to continue health, dental and life insurance benefit coverage under the Members' Choice Plan. In addition to health and dental benefits, life insurance coverage is provided and includes the following:

1. Core Life Insurance – based on either one or three times the member's total eligible recurring annual salary (which includes the member indemnity, retirement investment allowance, and remuneration for office other than member [e.g., Executive Council] and special member's allowance if applicable) at the time of retirement, to a maximum of $400,000.
2. Enhanced Life Insurance – based on either one, two, three, or four times the member's total eligible recurring annual salary (to a maximum of $150,000). This is in addition to the Core Life Insurance coverage.
3. Dependent Life Insurance – coverage is $15,000 for an eligible benefit partner and $7,500 for each dependent child.

Retiring members can continue their current level of benefit coverage in place when they cease to be members. All life insurance (including dependent life insurance) terminates at age 70. All other benefits continue until either the retired member notifies the Legislative Assembly Office (LAO) to discontinue coverage or until the age 75 or death, whichever comes first. Once this extended coverage has been cancelled or terminated, there is no option to recommence.

Premiums are paid by the retiring member and the Legislative Assembly Office in the same proportions as for a current member for the first five years of coverage (or until the age of 75, whichever comes first). After the five-year period, the premiums are paid entirely by the former member. The LAO collects the premiums directly, on a monthly basis.

In addition, the LAO has partnered with a third party to provide individual career planning and resumé coaching for retiring members. This package includes three months of career support.

The transition allowance is a more recent addition to a retiring member's package. Eligible members will be paid an amount determined by their highest average monthly indemnity for each year or partial year of service to a maximum of six years. The calculated amount will be divided into monthly payments equal to the number of years served to a maximum of six payments.

The LAO will pay any final and outstanding expense claims that the member may have. It also offers the retiring member an opportunity to purchase their IT equipment (computer, phone, etc.) at market prices, if they so choose

Legislative Assembly of British Columbia

The offboarding of members in British Columbia is managed by the Legislative Assembly Administration's Client Care service desk, which is a new single access point for members, constituency staff, and caucus staff. Following British Columbia's 43rd provincial general election in October 2024, non-returning members and their staff were supported by Client Care Liaison Officers to ensure the completion of key tasks such as vacating constituency offices and the returning of items. This support is provided regardless of whether a member loses their seat or steps down voluntarily (including a resignation mid-term).

Transitional assistance is also provided to non-returning members in the form of basic compensation and benefits for a minimum of four months after final voting day. This assistance can continue for up to 15 months, or until the member is in receipt of income amounting to more than the bi-weekly transitional assistance. Non-returning members can also access a retraining allowance of up to $9,000 for career counselling, education, or other training costs required to obtain employment or work for non-governmental organisations. To be eligible for transitional assistance, a member must have completed their full term of office.

On 16 September 2024, the Legislative Assembly Management Committee approved the creation of a transitional relocation allowance for non-returning members ahead of the scheduled election in October 2024. This allowance reimburses departing members for costs associated with moving their personal belongings from their offices or accommodations in the capital city back to their primary residence. The allowance was approved as an interim measure to support members not returning for the 43rd Parliament; the Legislative Assembly Management Committee is expected to consider more permanent provisions as part of its work in the 43rd Parliament.

As a long-standing practice of the Legislative Assembly of British Columbia and with the permission of the Speaker, former members are commonly granted the privilege to attend proceedings on the floor of the Chamber. Former members are also able to retain their Legislative Library card and can continue to access the Legislative Library's collections. Outside of the Legislative Assembly, former members are eligible to become members of the Association of Former MLAs of British Columbia, a non-partisan association that aims to provide knowledge and experience to the service of parliamentary democracy in British Columbia and other jurisdictions.

Ontario Legislative Assembly

Members who leave office voluntarily or lose their seat are entitled to the same support. Members receive their base salary and any additional salary, if applicable up to the day they resign, retire or in the case of an election, the day

before polling. For members who hold the office of Premier, Minister, Minister without Portfolio, Parliamentary Assistant, Speaker or Deputy Speaker, they continue to receive the additional salary until the appointment of their successor or their own resignation. In addition, departing members receive a severance allowance whether they resign, retire, or are defeated in an election.

Members can also access a transitional allowance program that assists in their move to private life, retirement, or in becoming established in a business or a different career. This includes funds that may be used for services such as: use of a career transition firm; education or training; office furniture or technological equipment (laptop, printer); and limited travel (maximum four roundtrips) with accommodation for the purpose of job interviews. Members and their family also have access to confidential and voluntary counselling for up to six months after leaving office.

Members with five years of service receive lifetime health and dental benefits, for themselves and their eligible dependents, under the former member benefit plan. Members also have access to a health spending account and life insurance. Members can continue to participate in the optional plans such as Tax-Free Savings Account, Group Registered Retirement Saving Plan, Non-Registered Savings Plan and Locked-in Retirement Account. Members are also provided the option to join the Association of Former Parliamentarians.

Prince Edward Island Legislative Assembly

Support for former members includes a transition allowance and pension plan.

The transition allowance is provided to help members bridge the employment gap following the end of their time in public office, as they are ineligible to receive Employment Insurance benefits. Every duly elected member is eligible for the allowance when they cease to be a member for any reason, unless:

- they are removed permanently from service according to applicable legislation or by the Speaker of the Legislative Assembly; or
- during the transition period, they are
  - employed in a temporary or permanent position in the federal or provincial public
  - sector,
  - appointed as a judge, senator, Lieutenant Governor or Governor General,
  - elected as a member of the federal parliament
  - re-elected to the Legislative Assembly, or
  - employed by an Office of the Legislative Assembly,

  in which case the transition allowance ceases.

The transition period is determined by the total service years, where one month of allowance is paid for each service year, up to a maximum of

twelve months. It is paid biweekly. The transition allowance was established by the Indemnities and Allowances Commission, the independent body that determines members' pay and benefits, in 2021. It replaced a severance allowance that was previously paid to former members in a lump sum. Some current members' time in office pre-dated this change and they will receive the severance allowance when they cease to be members, but most will receive the transition allowance.

Members contribute to and benefit from the Public Sector Pension Plan as governed by the *Public Sector Pension Plan Act*. The point at which they become vested in the plan depends on when they were elected and their years in office.

Former members do not retain any of the privileges they held while they were members. They may join the Association of Former Members of the Legislative Assembly of Prince Edward Island.

Quebec National Assembly

The National Assembly is committed to adequately supporting outgoing parliamentarians. Concrete measures are deployed to support those who leave active political life, whether through the assistance offered by the administration, financial arrangements and programs, as well as the *Cercle des ex-parlementaires*.

Support from the administration for the departure of a parliamentarian and other services offered

Outgoing parliamentarians receive direct support from the administration of the National Assembly to carry out tasks related to the closure of their constituency office and the end of their mandate. A liaison officer provides personalised and close support to each parliamentarian.

Following the election, parliamentarians have the option to purchase their mobile devices, according to the current terms. The *Centre d'expertise numérique* offers support to parliamentarians for the preservation of certain of their data.

There are constant reflections to improve support for outgoing Members of Parliament. Fixed-date elections facilitate the planning of actions to be implemented to ensure personalised support for defeated parliamentarians and those who decide not to seek another mandate. For example, the deadline for returning mobile devices has been increased from 15 to 30 days since the last general election.

Transition allowance

Under sections 12 to 18 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly, a Member of Parliament who is defeated in an election or who completes a mandate without being a candidate in the election following the end of this mandate is entitled

to a transition allowance.

A Member of Parliament who resigns during their mandate is also entitled to a transition allowance, provided that their resignation is justified by serious family reasons or a significant health problem affecting themselves or a member of their immediate family. It is then up to the Ethics Commissioner to determine whether the conditions giving entitlement to a transition allowance are met. In the case of a resigning member who has obtained a favorable decision from the Commissioner, the amount paid must be reduced by an amount equal to the employment, service, business, or retirement income that the member receives or is entitled to receive.

This allowance is equal to twice the monthly salary (annual base indemnity and, if applicable, additional indemnity) of the Member of Parliament for each full year during which they were a Member of the Assembly. The Member of Parliament is also entitled, if applicable, to twice the portion of the monthly salary equivalent to the fraction of the year during which they were a Member of the Assembly. However, this allowance cannot be less than four times the monthly salary nor more than 12 times this salary.

The monthly salary generally corresponds to the higher of the following two amounts:

- The average salary received by the Member of Parliament during the last 12 months preceding the end of their mandate or during each of these months or part of the month, if less than 12;
- The average salary received by the member during the 36 best-paid months of all their mandates, provided they were uninterrupted.

The transition allowance is paid at the end of the Member of Parliament's mandate and at their request, either in a single payment or over a period of up to 36 months. The unpaid balance of the allowance can, if the beneficiary requests it, be paid in a single payment.

The payment of the allowance ceases the day its beneficiary resumes the function of parliamentarian.

Insurance

When a member ceases to be a Member of the National Assembly, they benefit these following rights:

- Extension of their life insurance coverage for one year (365 days);
- Right to convert their life insurance coverage (right to convert, without proof of insurability, all or part of the life insurance amount into an individual "whole life" insurance policy);
- Right to complementary coverage under the Quebec general drug insurance plan.

Assistance program for former parliamentarians

For two years, outgoing parliamentarians have access to an assistance program for former parliamentarians. This program aims to support individuals experiencing difficulties related to their departure from active political life.

Participation in the assistance program for former parliamentarians is voluntary, and the services offered are confidential.

This program gives them direct and free access to a professional consultation service to better identify the need for career guidance or short-term psychological support. The payment of professional fees, under certain conditions, can also be offered based on the need identified by the parliamentarian. A maximum sum of $850 per year during the eligibility period of the program is available for each parliamentarian to pay for the required services.

Cercle des ex-parlementaires

For 30 years, the *Cercle des ex-parlementaires* has been an association that allows members to stay in touch and leverage their knowledge and experience for the promotion of democratic institutions. Various activities and initiatives are carried out annually by the members.

As former parliamentarians, they obtain access that allows them to visit the National Assembly.

Saskatchewan Legislative Assembly

Members of the Legislative Assembly are eligible for a transition allowance when they leave office. Under a policy directive from the Board of Internal Economy (BOIE), a statutory body responsible for the financial and administrative policy of the Assembly and its members, a member who resigns, retires, or is defeated is entitled to receive a transition allowance payment (Directive 13.1 – Transition Allowance). The payment is equal to one month's salary indemnity for each year of service to a cumulative lifetime maximum of twelve months. The directive for the transition allowance was amended most recently by the BOIE in 2019.

Members must complete a monthly declaration to confirm their eligibility for the transition allowance during the entire transition period. A member is not eligible to receive the transition allowance if they: are appointed to a paid position on a government board, commission, or agency during the period of transition; begin employment or return to their former position of employment in a provincial government ministry, Crown corporation, agency, board, or commission during the period of transition; or are elected as a federal Member of Parliament or appointed to the Senate of Canada during the period of transition.

During their time in office, members will contribute to a public employees

registered pension plan, which can only be accessed at retirement. After leaving office, members can choose whether to leave their account balance with the pension plan, transfer it out to another retirement account, or, if eligible, apply to receive retirement income. Additionally, former members are eligible to continue and/or retain access to benefits, depending on their age, including life insurance, a death benefit certificate, a retiree health and dental plan, and a supplementary retirement plan. To be eligible for continued health and dental coverage, the terminated members must be over the age of 50 and have a minimum of eight years of service with the Assembly, among other requirements.

Former members also retain the privilege of being regarded as "special visitors" and are welcomed to take a seat on the floor of the Chamber (behind the bar) during proceedings. However, they may not participate in the debate. Former cabinet ministers can retain their honourable title, for life, after leaving cabinet.

CYPRUS

House of Representatives

As far as financial support of individual former members is concerned, this extends primarily to former House Presidents and Vice-Presidents. Following the completion of 30 months of consecutive service, they are entitled to receive a monthly pension when they reach the age of 60, provided that they do not continue to hold that or any other office in the Republic. If they so choose, they may receive a reduced pension and a lump sum payment upon leaving the office. The same pension arrangements apply to all former MPs.

Presidents and Vice-Presidents of the House are also entitled to a state luxury vehicle with a driver/police officer (plus the fuel and maintenance expenses for the vehicle) as well as, having a senior personal assistant on a salary paid by the state.

It should be noted that the issue of support granted to former Presidents of the House may undergo revision as several bills seeking to restrict or restructure their benefits are currently under debate in the House.

Furthermore, the Cyprus House of Representatives provides financial and secretarial support to the National Association of Former Members of Parliament. This support includes financing of the Association's participation to the European Association of former members of parliament of the Council of Europe (annual subscription, participation in meetings and other events). The National Association of Former MPs in Cyprus organises on a regular basis round table discussions and events on a variety of sociopolitical issues, which are held in the premises of the House of Representatives, with House

staff providing all necessary scientific and technical support.

GUYANA

Parliament of Guyana

There is no formal support offer to members. However, the Clerk of the National Assembly has commenced a programme of visits to former Members of Parliament

The Clerk of the National Assembly, Mr. Sherlock E. Issacs, A.A. initiated an outreach programme to visit, express thanks, and check on the welfare of former members of the National Assembly. The outreach would also allow young citizens of Guyana to meet former Members of Parliament.

According to the Clerk, this was his way of checking on the welfare of the former Members of Parliament who spent long hours in the National Assembly debating policies and making laws for the Government of Guyana. During 2022 several former Members of Parliament were visited.

Mr. Isaacs informed the former Members of Parliament of his commitment to producing an archival project in the form of a booklet which will be presented, by him, to each former member. The booklet will include background information, and a compilation of speeches, bills, or motions presented in the house by each former member.

The former members were presented with certificates of appreciation, plaques for their years of dedicated service, and care packages containing vitamins and cleaning supplies, among other things.

Mr. Isaacs, during each visit, assured the former Members of Parliament that his secretariat will continue checking on their welfare on a quarterly basis.

INDIA

Rajya Sahib

The Members' Salaries & Allowances Branch assists former Members of Parliament in the process of application and initiation of their parliamentary pension. Members are required to submit the necessary documentation, and the Branch ensures the processing of these documents in accordance with the provisions established in the *Salary, Allowances and Pension of Members of Parliament Act 1954* and rules made under there to commence their pension. The aforesaid benefits to the former members do not vary if they lose their seat or step down voluntarily. The entitlement and privileges of former members can be accessed on the Rajya Sabha website https://sansad.in/rs. There has been no change as regards the support or benefits being offered to the former

members.

ISLE OF MAN

Tynwald

Since January 2024 Tynwald members are able to access a counselling service during their time as members. The service offers on-demand counselling for low mood, depression, anxiety, OCD traits, symptoms of trauma below the level of diagnosis of PTSD. Members who leave office, whether they step down voluntarily or lose their seats, may access the service for one month following their leaving office.

Members are offered the opportunity to retain associate membership of the CPA Branch when they leave office. Whilst not a 'support' as such, it is a way that former members can keep in touch. Associate members are invited to regular whole branch meetings and the Commonwealth Day Dinner.

Former members are invited to the Tynwald Garden Party and are offered grandstand tickets to the Tynwald Day Ceremony. Former Presidents of Tynwald are also offered seating in the Chapel for the Tynwald Day Ceremony.

NEW ZEALAND

House of Representatives

Continuation of salary

In New Zealand, members who depart Parliament at a general election receive three months of additional salary, at the rate of an ordinary member. This applies whether a member is leaving voluntarily or is unsuccessful at the general election.

A member who leaves office at any other time is not eligible to any continuation of salary, whether they resign or their seat becomes vacant for some other reason.[3] If a member died in office and had a surviving spouse, partner, or dependent child, the survivor would receive a sum equivalent to three months of the deceased member's salary, at the rate of an ordinary member.

Many members contribute to retirement schemes and receive a superannuation subsidy of up to 20 percent of their salary. Contributions cease at the same time as salary.

[3] Members' seats may become vacant only in circumstances listed in s 55 of the Electoral Act 1993.

Transition expenses
Members remain eligible to certain travel, accommodation, and communications services for up to four weeks to assist former members with matters associated with leaving Parliament.

A member who departs mid-term may continue to claim for Wellington accommodation expenses for up to three months if they are unable to terminate their lease.

Other services
Former members are eligible for up to four counselling sessions after they depart office. They may also apply for continued access to the parliamentary precincts after leaving Parliament and continue to have access to some library services. Former members who entered Parliament before 1999, and their spouses or partners, receive certain rebates for private travel, but this does not apply to people who became members since then.

Association of Former Members of Parliament of New Zealand
Former members are automatically granted temporary membership in the Association of Former Members of Parliament and may renew membership for a fee. The association advocates for former members, undertakes initiatives to promote democracy, and holds events to encourage networking, debate, and engagement. The Association is not funded by Parliament but does have offices in the parliamentary precincts.

Changes
There have been no significant recent changes in support available to members when they cease to be members. Recently, the select committee considering the *Parliament Bill* received submissions proposing that the travel rebate for members elected before 1999 be ended. However, the committee decided not to recommend the reduction or abolition of the travel rebates, as it decided they reflect the conditions that applied for these members when they were elected.

UNITED KINGDOM

House of Commons

The House of Commons has developed its offer for former members over the past few elections. During the 2024 General Election, the House ran Departing Members Areas (DMAs) for MPs standing down for 10 days following Dissolution and then MPs who lost their seats for seven days after polling day. Support this time round was informed by the previous Administration

Committee report Smoothing the Cliff Edge.[4]

Members who were standing down were met by HR at least once in the run up to dissolution to help them start preparing.

At the DMAs, members saw digital, security, information compliance, Members HR and IPSA – all these teams took members and their staff through processes needed to wind-up their offices. The Parliamentary Health and Wellbeing Service (PHWS) were on hand to meet members if needed and the Speaker's Chaplain also came over at various points. Each member had a 'guide', a member of House staff who accompanied them around the area to meet all teams and feedback to the central team anything they needed. Ongoing support was available from all teams for the winding-up period.

Some differences for the 2024 general election:

- The winding-up period was four months instead of two;
- There was a career transition service paid for by the House for members who lost their seats (but not who stood down). Members had to sign-up within the winding-up period for a six-month programme that included 1:2:1 coaching;
- Access to the Individual Assistance Programme (MPs) and Employee Assistance Programme (their staff) was available for up to a year (effectively wellbeing support);
- The PHWS called all MPs who had lost their seats within the winding-up period for a wellbeing check; and
- The Association of Former MPs ran a mentoring programme for all departing members.

Members can apply for a former members pass, giving them access to the Parliamentary estate, if they've served in two Parliaments or for six years, whichever is longer.

House of Lords

The nature of the House of Lords as a primarily appointed House means that membership only ceases through death, resignation or retirement, expulsion or non-attendance. Members are not paid a salary, but instead can claim an allowance and expenses for undertaking Parliamentary work. There is therefore no direct support offered to members when they cease to be members.

Instead, former members who retire retain certain privileges and access to facilities. These privileges are not extended to members who leave the House in any other way. In particular, retired members can have a retired members security pass, giving them access to the Estate. They are able to use the Library (but not borrow books or commission research) and use the members-only

[4] https://publications.parliament.uk/pa/cm5803/cmselect/cmadmin/209/summary.html

catering facilities. They are also able to sit on the steps on the Throne in the Chamber during a sitting of the House. They can also apply for two tickets to attend Parliamentary addresses as part of state visits for up to three years after retirement. The House of Lords Commission has the power to retract these privileges from former members.

There has not been any recent change to the support for retired members. Most members were only able to retire following the *House of Lords Reform Act 2014*, though bishops have been able to retire since 1975, with a statutory retirement age of 70. Following the passage of the *House of Lords Reform Act 2014*, the same privileges that bishops have were extended to all members who retire.

Northern Ireland Assembly

Under the provisions of the *Assembly Members (Office and Staffing Costs and Allowances) Determination (Northern Ireland) 2025*, the Assembly provides financial support for a period of up to three months to facilitate the winding up of a member's Assembly business. This support encompasses the salaries of support staff and any redundancies that may be applicable. Additionally, members are entitled to a Resettlement Allowance; however, eligibility is restricted to those who either choose not to stand, or are not returned, at an Assembly Election.

In cases where a member resigns dues to ill-health, they may qualify for an Ill-Health Retirement Allowance, subject to the necessary application process.

On appointment to the Assembly, all members are automatically enrolled in the Assembly Members Pension Scheme. Accordingly, former members (unless they have opted out) will have accrued pension benefit that can be accessed upon retirement.

Members are not entitled to Resettlement Allowance if they resign during a mandate for any reason other than as a result of an Assembly election.

Former members do not maintain any privileges.

Scottish Parliament

When a Member of the Scottish Parliament (MSP) stands down or is not re-elected, professional transition support is offered by the Scottish Parliament Corporate Body (SPCB). The level or nature of assistance sought or required depends on the individual MSP's circumstances but could include support from trained, internal, career coaches, job search and CV-writing or retirement planning. The support provided is reviewed ahead of every election, taking into account any direction from the SPCB and feedback from current and previous members, with the aim of continuously improving the offer available.

There is a former members association, run by former members themselves,

and its details are provided to members when they cease to be MSPs.

Former members can request a pass. If they request it in the first session after stepping down or losing their seat, they go through a limited security clearance. Thereafter, to retain their former members pass for future sessions, they have to go through full security clearance to CTC level as does any other passholder (with the exception of serving MSPs and their partners). Former members have limited access rights – they are not allowed to lobby and they are only allowed in certain parts of the building. Their pass does however allow them to sign in up to three family members.

Senedd Cymru

The Senedd Commission provides financial and advisory support to members and their staff following loss of office or redundancy. This includes:

- Financial support, which is set out in the Determination of the Independent Remuneration Board of the Senedd:
  - Winding Up Payments – new from 1 April 2025 following the annual review 2025-26. Members who stand down at the election will receive a payment equivalent to two months' salary and members who stand as candidates but are not re-elected will receive a payment equivalent to three months' salary. This is to provide a payment during a winding-up period, where outgoing members are required to close down offices, finalise casework and manage staff redundancies.
  - Winding Up Allowance – this is a budget to cover necessary winding up costs, such as equipment or office costs.
  - Resettlement Grant – members who stand as candidates but are not re-elected are paid a resettlement grant of one month salary for each completed year of service, subject to a maximum payment equal to six months' salary. Those members who have held additional office during that period are also entitled to an additional payment equal to the salary in the three months before they ceased to hold their additional office.
- Career transition support via outplacement services, which are available from three months before dissolution for members who stand down, to post-election for members not returned and those staff affected.
- Additional support including emotional, mental, and financial wellbeing support via an Employee Assistance Programme.

PRIVILEGE

AUSTRALIA

House of Representatives

Concerns notice issued to the Member for Bruce

On 12 August 2024, the Member for Bruce raised a matter of privilege arising from his former role as Chair of the Joint Standing Committee of Public Accounts and Audit. He had been issued a concerns notice, pursuant to the *Queensland Defamation Act 2005*, by lawyers on behalf of Mr John Margerison. The concerns notice related to several publications, including social media posts and an official media release published pursuant to a resolution of the committee, made during an inquiry into procurement by Services Australia and the National Disability Insurance Agency. The notice requested that the member retract these publications and publicly apologise to Mr Margerison, threatening that failure to do so would result in court proceedings. The member presented copies of the publications and requested that the Speaker consider granting precedence to a motion to refer the matter to the House Committee of Privileges and Members' Interests for urgent investigation.

Later that week, the Speaker informed the House that he had considered the matter, was satisfied that a *prima facie* case had been made out regarding the threat of legal action in the concerns notice in relation to the joint committee's media release and was willing to give precedence to a motion to refer the matter to the Committee of Privileges and Members' Interests. The Speaker noted that it had not been determined whether publications such as social media posts referring to parliamentary proceedings would attract any level of protection under privilege. Following the statement, the Member for Bruce moved a motion to refer the matter to the committee, which was agreed to.

The Chair of the Committee of Privileges and Members' Interests made a report by statement in response to the matter on 12 September 2024. The Chair informed the House that the committee considered that a properly authorised media release by a parliamentary committee would fall under the definition of 'proceedings in parliament' in the *Parliamentary Privileges Act 1987*. Therefore, the committee found it likely that parliamentary privilege would attach to the media release which was included in the concerns notice. The Chair also noted the view of the committee that the threat of legal action contained in the concerns notice, insofar as it pertained to the media release, could have amounted to a serious contempt. However, the committee did not make any formal recommendations to the House on the matter as, during its inquiry, the concerns notice was withdrawn and an apology provided by Mr Margerison

for the potential interference in the work of the parliament.

Senate

Parliamentary privilege and the use of investigative powers

In May 2024, the Presiding Officers and the Attorney-General signed an updated memorandum of understanding (MOU) on the execution of search warrants and use of covert investigative powers where parliamentary privilege may apply. This was tabled in each House, along with an Australian Federal Police guideline setting out procedures for collecting and quarantining material that could be subject to privilege, and processes for making and determining claims of privilege. For the first time, the MOU and guideline deal with the use of covert investigative powers, such as the use of surveillance devices and telecommunication interception, which was flagged as an area for further negotiation when the previous MOU was tabled in November 2021.[1]

Two similar agreements were finalised and tabled during the final sitting fortnight of the year. The first, between the Presiding Officers and the Independent Parliamentary Expenses Authority, confirms that parliamentarians may make claims of privilege where information sought is closely connected to parliamentary proceedings, but advises that parliamentary privilege 'will not usually be engaged where information or documents relate to parliamentary expenses.' It also acknowledges that parliamentarians' information held on the parliamentary computing network is 'owned' by the relevant member or senator, so that notices to produce should be directed to them rather than the Department of Parliamentary Services, which maintains the network.

The other MOU was agreed between the Presiding Officers, the Attorney-General and the Commissioner of the National Anti-Corruption Commission. It established processes for the exercise of the Commission's powers to ensure that parliamentary privilege is respected while permissible action by the Commission to detect and investigate corrupt conduct is not inhibited. The MOU largely follows the principles established in the AFP MOU.

Where covert powers are involved, including where information is sought from third parties by way of notices to produce accompanied by confidentiality obligations, each of the MOUs provide for the agency and the Clerk of the relevant House to discuss ways of mitigating the risk that the investigation might interfere with parliamentary proceedings. Each of the MOUs recognise that it is for the relevant House, rather than anyone else, to determine claims of privilege. This would ordinarily entail investigations by the Privileges Committees, although that detail is left to the practices of the Houses and not

[1] https://www.aph.gov.au/About_Parliament/Senate/Practice_and_Procedure/Procedural_Information_Bulletins/2021/PIB_360

dealt with in the agreements.

Queensland Parliament

In Queensland, the Ethics Committee investigates and reports on the ethical conduct of members, and on matters of privilege and possible contempt of parliament referred to it by the Speaker, the House, or the Registrar of Members' Interests; and on requests for citizens' rights of reply following adverse mention in the House.

During 2024, the Ethics Committee reported on nine matters of privilege and three citizens' rights of reply. The following matters contained novel or interesting issues.

Report 223 - Matter of privilege referred by the Housing, Big Build and Manufacturing Committee on 6 March 2024 relating to an alleged unauthorised disclosure of committee proceedings[2]

The Ethics Committee received a referral from the Housing, Big Build and Manufacturing Committee alleging that a member of the public, Ms Mary Walsh, had engaged in an unauthorised disclosure of committee proceedings (a contempt in accordance with Standing Order 266(12).

Ms Walsh had obtained a private transcript of the committee as a result of an inadvertent unauthorised disclosure of the transcript. She was advised that it was confidential. Despite this, Ms Walsh published the transcript on a community Facebook page that she ran. She failed to remove the post despite several requests from both the Housing, Big Build and Manufacturing Committee and the Ethics Committee. When advised that she would likely face a financial penalty in accordance with the Standing Order 277, Ms Walsh removed the post.

She was found to be in contempt for an unauthorised disclosure of a committee proceeding and was admonished, in writing, by the Speaker. This is the first time a stranger, who was not previously a member of Parliament, has been admonished by the Speaker in Queensland.

The Ethics Committee did not take kindly to Ms Walsh's behaviour and concluded its report into the matter by stating:

The committee notes that it intends to take a very dim view on any future contempts relating to the unauthorised disclosure of committee proceedings. Should the actions of a member or stranger be so blatant, recalcitrant and defiant, as has been the case in this matter, the committee will likely recommend the House impose a significant financial penalty.

[2] https://documents.parliament.qld.gov.au/tableoffice/tabledpapers/2024/5724T1079-B94F.pdf.

Report 224 - Matter of privilege referred by the Speaker on 7 March 2024 relating to allegations members involved themselves in disorderly conduct on the parliamentary precinct[3]

Report No. 224 addressed a referral from the Speaker that two Members of Parliament, Mr Robbie Katter MP and Mr Nick Dametto MP had engaged in disorderly conduct on the parliamentary precinct due to their behaviour at a protest concerning the war in Gaza. The members were filmed by media outlets holding up a sign from inside the parliamentary precinct that read 'Condemn Hamas'. They were seen gesturing and yelling at protesters before being physically moved away by Police and retreating back into the Parliamentary Annexe. Ultimately the committee found that the behaviour in question satisfied the elements to constitute a contempt of parliament for engaging in disorderly conduct on the parliamentary precinct. Such behaviour diminishes the integrity, authority and dignity of the Parliament. Both members were ordered to make (and subsequently did make) an unequivocal apology to the House. The Committee also commented that, despite the Committee not recommending a period of suspension for both members in this instance, a stronger position would be taken in future for similar matters.

Report No. 225 - Matter of privilege referred by the Speaker on 5 March 2024 regarding the spying of a member's phone in the Chamber[4]

Report No. 225 related to an allegation of that the Member for Coomera took a photograph of the Member for Pumicestone's mobile phone displaying a private text message in the Chamber of the Legislative Assembly.

The Member for Coomera proactively apologised in the House after being made aware of the Ethics Committee referral. The Member for Pumicestone had advised the committee in a submission that the conduct of the Member for Coomera had made her feel concerned for the privacy of her many constituents whose private information she had accessed while in the Chamber in the preceding months. The Committee ultimately found that the Member for Coomera's action would likely amount to an improper interference with the Member for Pumicestone's future duties as a member. The committee recommended the Member for Coomera be found in contempt, but accepted his proactive apology as an appropriate penalty.

The Committee also recommended that the Committee of the Legislative Assembly (CLA) consider suggested amendments to the House's resolution regarding the use of electronic devices and the Guide to the Code of Ethical

[3] https://documents.parliament.qld.gov.au/tp/2024/5724T1080-6FD3.pdf.

[4] https://documents.parliament.qld.gov.au/tableoffice/tabledpapers/2024/5724T1569-5ABA.pdf.

Standards. Subsequent amendments to the Guide to the Code of Ethical Standards were tabled by the CLA in February 2025.

Report No. 232 - Matter of privilege referred by the Speaker on 7 June 2024 relating to an allegation of publishing a false or misleading account of proceedings of the House[5]

Report No. 232, considered a matter of privilege relating to an allegation that the Minister for Health, Mental Health and Ambulance Services and Minister for Women published a false or misleading account of proceedings of the House on various social media platforms.

On 22 May 2024, the Minister posted an extract from the broadcast of proceedings on various social media pages regarding a response to an answer to a question without notice about maternity services. In the first post, an interjection from the Member for Mudgeeraba was incorrectly captioned to reflect that the member stated, 'close your legs'. After being informed that the captioning was incorrect, the Minister replaced the post with a correct caption reflecting the record of proceedings. The member's interjection was in fact, 'cross your legs'.

The Committee found that the Minister's first post, which included an incorrect caption, was a technical contempt – it was clearly a false account of proceedings of the House. Once the Minister was alerted to the incorrect captioning, the post was replaced with the correct captioning. While the post contained the correct captioning, and was the exact footage from the broadcast of proceedings, the committee was not entirely satisfied that sufficient context was provided – i.e. that the Member for Mudgeeraba was interjecting with respect to the closure of regional maternity services, and the fact that women would have no birthing options close to their homes.

However, the Committee could ultimately not determine that the second post was false or misleading. The report stated:

> "On the one hand, there is an argument that the Minister simply republished an exact extract of the record of proceedings accompanied by a caption explaining that the member interrupted her whilst she was talking about women's health and maternity services in Parliament. The caption itself provided context and therefore, the post is not misleading.
>
> However, on the other hand, there is an argument that by publishing a short extract of the proceedings (which included surprised and concerned expressions on members' faces) accompanied by a broad caption that did not include the specifics of the question would lead a reasonable person

[5] https://documents.parliament.qld.gov.au/tableoffice/tabledpapers/2024/5724T2093-55ED.pdf.

to wrongly believe that the member's interjection was directed personally towards the Minister.

The committee considered that reasonable minds could differ when determining if appropriate context was provided."

The Committee recommended the House take no further action in relation to this matter. Further, the Ethics Committee recommended the Committee of the Legislative Assembly review the Broadcast Footage Terms and Conditions to reflect the use of social media by Members of Parliament; and review the complaints process for dealing with potential breaches of the Broadcast Footage Terms and Conditions.

Victoria Legislative Assembly

On the morning of 20 March 2024, while the House was sitting, the Member for Hawthorn was approached by two people within the parliamentary precincts and one of those people purported to serve legal papers on the member. On the following day, a complaint of a breach of privilege regarding the actions was made in the House. The House referred the matter to the Privileges Committee.

After examining the incident, the Privileges Committee found that the person committed a contempt by serving, attempting to serve, or purporting to serve legal papers on a member of Parliament in the parliamentary precincts on a sitting day. The person then provided a writen apology to the House. The Committee therefore considered the matter settled.

CANADA

House of Commons

Alleged Breach of Speaker's Impartiality

On 3 October 2023, Greg Fergus (Hull—Aylmer), was elected Speaker of the House of Commons, following the resignation of Anthony Rota (Nipissing—Timiskaming).

On 4 December 2023, the Speaker's House issued an apology to the House following his appearance by video in a provincial party convention. This statement was later followed by a question of privilege on an alleged breach of the Speaker's impartiality. The Deputy Speaker ruled on the matter, acknowledging the serious allegations against the Speaker's impartiality. A motion was later adopted referring the matter to the Standing Committee on Procedure and House Affairs (PROC).

On 14 December 2023, Bardish Chagger (Waterloo) presented the 55th report of the Standing Committee on Procedure and House Affairs, entitled Speaker's Public Participation at an Ontario Liberal Party Event. Following this, on 29 January 2024, Claude DeBellefeuille (Salaberry—Suroît) moved

that the House concur in the report. During debate on his motion, John Nater (Perth—Wellington) moved an amendment to recommit the report to PROC with instruction that the committee recommend that the Speaker tender his resignation. A recorded division was held on the amendment and was negatived. The question was then put on the main motion, and it was adopted.

Prima facie question of privilege regarding witness responses at a Standing Committee
On 20 March 2024, Michael Barrett (Leeds–Grenville–Thousand Islands and Rideau Lakes) rose on a point of order regarding the testimony of Mr. Kristian Firth, who had recently appeared before the Standing Committee on Government Operations and Estimates. Mr. Barrett argued that the witness, through his refusal to answer members' questions, had disregarded the rights and privileges of the committee.

On 22 March 2024, the Speaker ruled the matter to be a *prima facie* question of privilege. Mr. Barrett then moved the appropriate motion, which called on Mr. Firth to attend the Bar of the House, for the purposes of receiving an admonishment from the Speaker, providing responses to the questions referred to, and to respond to supplementary questions arising from those answers. During the same sitting, Mark Gerretsen (Kingston and the Islands) moved an amendment instructing the Standing Committee on Procedure and House Affairs to study and make recommendations on the procedure for questioning Mr. Firth at the Bar of the House, and for the latter to attend the Bar only once the committee report had been concurred in.

On 8 April 2024, the House granted unanimous consent to a motion which found Mr. Kristian Firth in contempt of the House.

The motion also ordered Mr. Firth to attend the bar of the House on 17 April 2024.

This represents the first time since 21 June 2021, that an individual has appeared before the bar of the House to receive an admonishment by the Speaker. Please see the miscellaneous notes section for additional details.

Notification of cyberattacks against Members of Parliament
On 29 April 2024, Garnett Genuis (Sherwood Park–Fort Saskatchewan) rose on a question of privilege concerning cyber-attacks targeting himself and other Members of Parliament. He alleged that the members in question were targeted by the People's Republic of China, due to their involvement with the Inter-Parliamentary Alliance on China. These cyber-attacks took place between January and March of 2021. The targeted members had not been informed of the attacks by Canadian intelligence services, but rather, had learned of them through recent reports in the media. Mr. Genuis stated that one of the cyber-attacks had targeted his personal email account.

On 8 May 2024, the Speaker delivered his ruling. He stated that, while the work of the International Parliamentary Alliance on China was not strictly part of parliamentary proceedings, it did seem clear that members of the House were targeted due to their parliamentary work. While the Chair was bound to consider the question of privilege based on its own merits, it must also bear in mind the broader considerations – namely, a multiplication of cyber-security attacks in the recent past, and a shifting security environment. He therefore ruled the matter to be a *prima facie* question of privilege. Mr. Genuis moved that the matter be referred to the Standing Committee on Procedure and House Affairs. On 9 May 2024, the House adopted the motion. The committee's study on the question of privilege related to cyberattacks targeting Members of Parliament is ongoing.

Speaker's alleged lack of impartiality

On 21 May 2024, Chris Warkentin (Grande Prairie—Mackenzie) rose on a question of privilege concerning the Speaker's impartiality. He alleged that the Liberal Party's promotional material, which featured the Speaker's involvement in an upcoming event, contained partisan language against the Leader of the Official Opposition.

Additionally, Mr. Warkentin criticised the standard procedure of addressing concerns over the Speaker's conduct via a substantive motion during Routine Proceedings. He suggested that this method was flawed as it allowed the government to indefinitely delay the House's decision on the matter. The Speaker recused himself from the preparation of the ruling, deferring to the Deputy Speaker.

On 27 May 2024, the Deputy Speaker ruled on the matter. He referenced a previous decision from 5 December 2023, where he had found a *prima facie* question of privilege regarding the Speaker's impartiality and directed Members to use substantive motions for such issues. However, the Deputy Speaker acknowledged the current process's inadequacy in promptly addressing concerns related to the Speaker's impartiality.

Ultimately, the Deputy Speaker ruled that the Speaker's actions constituted a *prima facie* question of privilege. Consequently, Mr. Warkentin moved a motion stating that the Speaker stands in contempt of the House, and that the office of Speaker shall be vacated. On 28 May 2024, the question was put on the privilege motion, and it was negatived.

Question of Privilege on Alleged Failure of Government to Produce Documents

On 16 September 2024, Andrew Scheer (Regina—Qu'Appelle) raised a question of privilege regarding the government's failure to comply with a House order from 10 June 2024, which required the production of unredacted

documents related to Sustainable Development Technology Canada (SDTC). Mr. Scheer argued that the government's submission of partial or redacted documents violated the House's established authority to compel the production of documents, as dictated by parliamentary rules and traditions. He invoked historical precedents to underscore the importance of this power and called on the Speaker to find a *prima facie* case of privilege. Other members also rose on the matter in the following days, including Brian Masse (Windsor West) and Alain Therrien (La Prairie). Both reaffirmed that Parliament had the authority to demand documents from the government, and the government's failure to comply with the 10 June 2024, order regarding SDTC represented a breach of privilege.

On 26 September 2024, the Speaker ruled on the matter. He concluded that the government had not fully complied with the House order, determining that it was in fact a *prima facie* case of privilege. Shortly thereafter, Mr. Scheer moved a motion to refer the issue to the Standing Committee on Procedure and House Affairs.

Over the course of the next several weeks, debate continued on this motion. An amendment and three sub-amendments were proposed.

When the House adjourned on 17 December 2024, the motion was still under consideration, having been debated for 46 sitting days. With prorogation on 6 January 2025, and dissolution on 23 March 2025, the matter remains unresolved.

Question of Privilege on the Alleged Failure of Witness to Respond to Standing Committee on Access to Information, Privacy and Ethics

On 17 September 2024, Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes) raised a question of privilege concerning the 12th report of the Standing Committee on Access to Information, Privacy, and Ethics. The issue centred on Stephen Anderson, a business associate of the Minister of Employment, Workforce Development and Official Languages, who refused to provide documents and fully answer questions before the committee during an investigation into the minister's business dealings.

Mr. Barrett argued that Mr. Anderson's refusal to comply with the committee's orders, as well as his evasive responses during questioning, constituted a clear contempt of Parliament. He called on the Speaker to find a *prima facie* case of privilege. He suggested that Mr. Anderson should be summoned to the House for questioning and be compelled to provide the unsubmitted records to uphold Parliament's investigative power and ensure accountability.

On 1 October 2024, the Speaker delivered his ruling. In it, he emphasised the significance of committee privileges, particularly the obligation of witnesses to answer questions and the power of committees to order the production of

documents. He determined that the matter was a *prima facie* case of privilege

Following the Speaker's ruling, Mr. Barrett introduced a motion requesting that the House find Mr. Anderson in contempt for failing to provide requested documents and information to the committee, as outlined in its 12th Report. It further called for Mr. Anderson to appear before the bar of the House to receive an admonishment from the Speaker, deliver the requested records, and answer the committee's questions, including supplementary ones. The motion also stipulated that any produced records be referred to the committee for further review, with the possibility of additional actions if deemed necessary.

On 18 November 2024, Michael Cooper (St. Albert—Edmonton) moved an amendment modifying the details of the proceedings for the questioning of Mr. Anderson. Later that day John Brassard (Barrie—Innisfil) moved a sub-amendment to add an additional 10 minutes of questioning for the Member for Edmonton Centre.

When the House adjourned on 17 December 2024, the sub-amendment was still under consideration. With prorogation on 6 January 2025, and dissolution on 23 March 2025, the matter remains unresolved.

Even though the Speaker delivered his ruling on 1 October 2025, this question of privilege was only debated on five sitting days in the fall, as the House was already debating a motion in relation to a previous question of privilege, which took precedence. As mentioned above, this is a very infrequent occurrence as it is rare that the debate on two questions of privilege overlap.

Question of Privilege on the Refusal of Witness to Respond to Questions from Standing Committee on Public Safety and National Security

On 23 November 2024, Alistair MacGregor (Cowichan—Malahat—Langford) raised a question of privilege concerning the actions of the co-founder of Tenet Media, Lauren Chen, during her appearance as a witness at a meeting of the Standing Committee on Public Safety and National Security, described in the committee's 14th report presented earlier that day. The committee was conducting a study on Russian interference and disinformation campaigns in Canada.

Ms. Chen declined to answer questions when appearing before the committee. Mr. MacGregor emphasised the constitutional authority of parliamentary committees to conduct inquiries and require answers from witnesses. Other members rose on the matter to support Mr. MacGregor's arguments.

On 20 November 2024, the Parliamentary Secretary to the Leader of the Government in the House of Commons, Kevin Lamoureux (Winnipeg North) noted that Ms. Chen is under indictment in the United States and has been advised by legal counsel to avoid testimony that might incriminate her, as U.S. courts may not recognise Canadian parliamentary privilege. He proposed that

before a *prima facie* breach of privilege is declared, the Standing Committee on Procedure and House Affairs should analyse how to manage such delicate situations.

On 3 December 2024, the Speaker ruled on the question of privilege. The Speaker acknowledged that Ms. Chen's refusal to answer constituted a serious matter that touched upon parliamentary privilege, noting the established expectation for witnesses to answer committee questions. However, the Speaker also recognised that enforcing compliance from a witness outside Canadian jurisdiction presented significant procedural challenges.

The Speaker ruled that this constituted a *prima facie* question of privilege. He recommended referring the matter to the Standing Committee on Procedure and House Affairs, which could examine the unique aspects of the case and propose actionable recommendations. Instead of inviting Mr. MacGregor to move his motion immediately, the Speaker explained that as the House was currently considering Mr. Scheer's and Mr. Barrett's motions of privilege, that those should be disposed of before the House could consider another matter.

Senate

The Senate's Standing Committee on Ethics and Conflict of Interest for Senators continued its study of the case of privilege concerning attempted intimidation of senators that had been referred to it in November of 2023 (see pages 262-263 of the 2024 edition of *The Table*). The Committee's first interim report on the matter was tabled in the Senate on 10 October 2024.[6]

Alberta Legislative Assembly

The Government House Leader raised a question of privilege on 8 April 2024, concerning an incident that happened outside of the Chamber, in the South Members' Lounge, where members from both sides of the Assembly meet to discuss parliamentary and other matters. The incident involved an altercation in which a member from the Official Opposition caucus raised his voice and used aggressive gestures to speak to a member from the Government caucus. The question of privilege alleged that the opposition member intimidated the Government caucus member and therefore that member was obstructed in the performance of her parliamentary duties.

The Speaker did not rule on the question of privilege to determine whether there was a *prima facie* breach of privilege because the opposition member in question apologised for his actions.

Typically, at the Legislative Assembly of Alberta an apology closes a matter of privilege. Nevertheless, Speaker Nathan Cooper made a statement

[6] https://sencanada.ca/en/committees/CONF/Report/136532/44-1

on the incident, emphasising that the sort of conduct exhibited in the South Members' Lounge would most likely be considered workplace harassment in other places of work and, as such, would not be tolerated. Speaker Cooper also urged members to continue their work to develop a member-to-member code of conduct, and accordingly, he called a meeting of the Special Standing Committee on Members' Services to deal with the matter. A sub-committee has been established to do this work.

Manitoba Legislative Assembly

On 19 March 2024, during routine proceedings, Mr. Nesbitt (Member for Riding Mountain) rose on a matter of privilege alleging that MLA Cross (Member for Seine River) had publicly revealed details of a bill before it was introduced in the House, thereby abusing the legislative process and impeding members' ability to have a fulsome debate on the bill. He concluded his remarks by moving

> "THAT the Honourable Speaker immediately direct the Government to no longer use debate to discuss bills that have not been introduced, and that this matter be now referred to the Rules Committee."

The matter was taken under advisement.

On 24 April 2024, the Speaker ruled that a Matter of Privilege had not been established because the test of timeliness was not met and this was a matter of discourtesy, not privilege. However, he shared his thoughts regarding an erosion of authority of the Assembly due to a recent propensity of members to discuss bills in general terms with the media before a bill is introduced.

On 17 April 2024, during debate on Bill 30, Hon. Mr. Wiebe (Minister of Justice) continued to loudly heckle Ms Stefanson (Member for Tuxedo), who had the floor, despite having twice been instructed by the Deputy Speaker to stop.

Mrs Stone (Member for Midland) subsequently rose on a Matter of Privilege arguing that her and Ms Stefanson's privilege had been violated due to Hon Mr Wiebe's disrespectful and insulting behaviour.

The matter was taken under advisement.

On 25 April 2024, the Speaker ruled the Matter of Privilege out of order on procedural grounds because Mrs Stone failed to conclude her Matter of Privilege with a motion. However, he delivered a strong message to Hon Mr Wiebe that his behaviour was inappropriate.

Immediately following the Prayer and Land Acknowledgement on 29 May 2024, Mr. Johnson (Member for Interlake-Gimli) rose on a Matter of Privilege alleging that, during Oral Questions the previous day, several members of cabinet made comments that were defamatory and damaging to his reputation. These comments related to the content of an Ethics complaint that had been

tabled in the House by MLA Moyes (Member for Riel), which Mr. Johnson argued was the appropriate venue for addressing the issues in question. Mr. Johnson concluded his remarks by moving

"THAT the Member for Fort Rouge, the Member for St. James and the Member for Union Station and the Member for Transcona be held in contempt of this House, and the matter referred to an all-party committee for consideration and review."

The matter was taken under advisement.

On 2 October 2024, the Speaker ruled that a Matter of Privilege was not established. Mr. Johnson failed to meet the test of timeliness, and this was simply a dispute over the facts. The Speaker also gave a caution discouraging members from using the recently implemented Ethics complaint process as a strategic procedural tool in the House.

On 19 November 2024, following Introduction of Bills, Mr. Schuler rose on a Matter of Privilege alleging that his privileges as a member had been breached as a result of allegedly being denied permanent office space in the Legislative Building by the NDP caucus since September 23, 2024, thereby compromising his ability to access and ensure confidentiality of his files, which had been relocated without his authorisation or supervision. Mr. Schuler contended that this breach of confidentiality eroded the public's trust in its elected representatives, and moved:

"THAT this matter be referred to the Standing Committee on Justice for a review."

The matter was taken under advisement.

On 3 December 2024, the Speaker ruled that a Matter of Privilege was not established. While the Speaker found these allegations concerning, Mr. Schuler did not provide evidence that it was NDP caucus staff who moved his files. Furthermore, the Assembly does not have jurisdiction over office space in the Legislative Building – the authority to assign office space rests with the Government, not the Speaker.

On 22 November 2024, during Petitions, Mrs Stone (Member for Midland) rose on a Matter of Privilege alleging that, during Oral Questions that day, Hon Min Sala (Minister of Finance) accused her of making intentionally misleading remarks. She expressed her belief that, because Hon. Min. Sala had not been called to order, there was one set of rules for the Government and another for members such as herself, and concluded her remarks by moving:

"THAT the Minister for Finance retract his comments, apologize to this House, and the matter be referred to an all-party committee for review.

The matter was taken under advisement."

On 4 December 2024, the Speaker ruled that no Matter of Privilege was established. The Speaker reviewed Hansard and found that the comment

in question by Hon Min Sala was not directed at Mrs Stone but rather the government as a collective, and there is a well-established practice that language directed at a group is given more leeway than language directed at an individual. The member met the test of timeliness, but the Speaker stated that she would have still met the test if she had raised the matter the following day, having had the opportunity to check Hansard, and that she would have been well-served to do so.

Furthermore, the Speaker issued a caution against reflecting on the Speaker or any Presiding Officer by suggesting that they are holding the Government and Opposition to different standards.

Quebec National Assembly

On 3 December 2024, the President received from the Leader of the Official Opposition a written notice of his intent to raise a point of privilege. He alleged that the Minister of Transport and Sustainable Mobility committed a breach of privilege, because she has not tabled in the Assembly the 2023 annual management report of the *Société de l'assurance automobile du Québec* within the legal deadlines.

On 5 December 2024, the President rendered her decision on the facts of this case, determining they constituted a *prima facie* breach of privilege, as the Act respecting the *Société de l'assurance automobile du Québec* stipulates that the annual report shall be tabled in the Assembly by May at the latest. The President emphasised that the information contained in such reports is crucial for members to perform their government oversight function. She also relied on individual ministerial responsibility to determine that the Minister is accountable for the failure of a public body under her responsibility to submit its report.

As provided in the Standing Orders, a motion to impugn the conduct of the Minister was placed on the Order Paper and Notices and both the mover of the motion and the Minister were granted time to speak, before the matter was referred to the Committee on the National Assembly for inquiry.

NEW ZEALAND

House of Representatives

Member censured for intimidating behaviour

A member was censured by the House following a finding of contempt by the Privileges Committee, for intimidating another member during a debate. The member crossed the floor of the Chamber, stood over a seated member, and spoke to them with a raised voice. As the member had subsequently apologised, the Privileges Committee decided that a further sanction was not warranted.

Privileges Committee on alleged breach by member of suppression order
The Privileges Committee affirmed the approach taken by the Speaker when a member may have breached a suppression order imposed by a court.

During the previous Parliament, a member had made a comment in debate that implied he was aware of a suppression order and, had such an order existed, would have breached that order. At the time, the Speaker had decided not to inquire into whether a suppression order in fact existed, as an investigation risked compounding the harm caused by potentially confirming the existence of a suppression order and possibly identifying the person to whom it related.

Instead, when the House met the following week, the Speaker had dealt with the member's comment as a matter of order. The words the member had used indicated that he believed that the matter concerned was subject to a suppression order, and, yet, he had raised it without first notifying the Speaker. This was contrary to the Standing Orders and had implications for Parliament's relationship with the courts. The Speaker declared that reckless use of the freedom of speech enjoyed by the House damages that relationship and undermines the standing of Parliament and its privileges. Accordingly, the Speaker named the member, and he was suspended from the service of the House for 24 hours.

Having dealt with the matter in that way, the Speaker referred a general question of privilege to the Privileges Committee, asking it to consider how the House should deal with similar cases, where a member may have made reference to a matter in breach of a suppression order but where investigating it could be inconsistent with the order if one exists. The Privileges Committee reported that it agreed with the approach the Speaker had taken of preventing ongoing discussion of the matter on the day and then raising it at a subsequent sitting and dealing with it as a matter of order.

UNITED KINGDOM

House of Commons

The last twelve months have seen European Court of Human Rights' (ECHR) decisions on two cases, involving the rights of each House to take disciplinary action against their members – *Paterson v UK* and *Ahmed v UK*. Both cases were declared inadmissible rather than being allowed to proceed. In summary, both Lord Ahmed and Mr Paterson claimed that investigations by the relevant commissioners and committees of each House violated their rights to personal and private life (Article 8) and that, in Lord Ahmed's case, the system also violated Article 14 of the ECHR by discriminating against members of the Lords who did not have the right to have allegations against them heard by an independent tribunal.

The first thing to note is that there was no discussion of whether the system was in accord with Article 6 of the Convention (right to a fair trial). That was considered not even to be arguable, given a line of case law holding that being a member of the legislature was a political not a civil right.

Even so Article 8 requires interference with family life to be proportionate, to be governed by law and, for investigations which might impinge on the enjoyment of that right, to be fair.

While great pains have always been taken to ensure the system is fair, controversy about the Paterson case had led the Committee on Standards to commission a review by Sir Ernest Ryder, a former President of Tribunals and Appeal court judge. That found that the system was fair but that it could be improved, and a system of appeal to an Independent Panel was agreed by the House on 18 October 2022. Would the fact that the procedure had been changed since the case count against the UK?

In the event, the Paterson judgment gave short shrift to the idea that a parliamentary investigation into matters already publicly reported was so damaging in itself that it met the minimum threshold for interference with Article 8 rights. The court further found that the standards system was indeed "prescribed by law" as the Convention requires, the law in question being the relevant House of Commons Standing Orders and Code of Conduct.

It rejected a claim by Mr Paterson's lawyers that systems for regulating standards were peripheral to core parliamentary work, and therefore should attract a lower margin of appreciation. Instead, it held that

> "The integrity demonstrated by MPs in their public life is essential to maintaining both public trust in democratic systems and the political credibility of parliaments. Consequently, the regulation of standards in public life is intimately connected to maintaining the proper functioning of Parliament in a democracy, and the Court therefore has no doubt that the investigation into the applicant's conduct corresponded to the aim of protecting the rights of others."

It considered the procedural safeguards offered to Mr Paterson at the time of the investigation were perfectly adequate.

Its conclusion was a wholesale rejection of Mr Paterson's case:

> "even assuming Article 8 to be applicable to the facts of the case, and assuming there to have been an interference with the applicant's right to respect for private life, the Court considers that any such interference with the applicant's right to respect for his private life was accompanied by adequate procedural safeguards and was therefore proportionate to the legitimate aims pursued."

The court's willingness to consider the hypothetical question of whether the system met ECHR requirements will be very helpful in dealing with future

claims that the standards process is unfair. It is also notable that the decision, by a side wind, accepts that the law of Parliament does, in some circumstances, still live on.

The decision in the Ahmed case was on broadly similar lines; given that at the time the House of Lords Commissioner for Conduct and the Conduct Committee's reports were published, Lord Ahmed was facing criminal charges for sexual offences involving children, and the allegations which had given rise to the House of Lords investigation had been widely reported, Lord Ahmed had failed to demonstrate that the damage to his private life "related principally to the findings and outcome of the impugned investigation." In this case, the court did not consider what would have been the case if the threshold had been reached, but that can be inferred from the Paterson decision. In a brisk passage finding that Article 14 of the Convention was not engaged, for a number of different reasons, the court dealt with the claim that Lord Ahmed was treated differently from other persons because of the prohibition on impeaching and questioning proceedings contained in Article 9 of the Bill of Rights, noting that "he was in the same position as any other person affected by the findings, regardless of whether they were members of the House of Lords or not." This may usefully read across to the House of Commons.

Resolutions under the Provisional Collection of Taxes Act 1968

Extending Value Added Tax to private school fees was a manifesto commitment for the incoming Government and formed part of the Budget announced on 30 October 2024. The changes were given provisional legal effect by a resolution of the House under the *Provisional Collection of Taxes Act* 1968 (PCTA), before being permanently enacted by the *Finance Act 2025* which received Royal Assent on 20 March 2025. The PCTA allows proposed tax changes to be given immediate provisional effect by a resolution of the House to reduce avoidance while Parliament scrutinises the legislation necessary to enact them permanently.

A series of claimants sought judicial review, claiming the new rules were incompatible with the European Convention on Human Rights (which is incorporated into UK law by the *Human Rights Act 1998*). The court handed down its judgement dismissing the claims on 13 June.[7]

The challenge was originally to the lawfulness of the PCTA resolution. The Speaker intervened, arguing that allowing such a challenge to proceed would have been constitutionally improper as it would involve the court in legislation that was still being considered by Parliament. The relationship between Finance Bills and the resolutions upon which they were founded was, the Speaker

[7] https://caselaw.nationalarchives.gov.uk/ewhc/admin/2025/1467

contended, so close it was not possible to regard the resolution as a separate, justiciable, matter.

Ultimately the case was not heard until after the Finance Act had received Royal Assent. This made the question of whether a judicial review of a PCTA resolution is possible moot, so the court did not rule on it; but the judgment notes our position that it is impermissible, so that is at least clearly on the record.

However, a further matter arose as the claimants sought to rely on extracts from Select Committee and National Audit Office (NAO) Value for Money Reports to help establish facts that were in dispute. We argued that this was impermissible because case law establishes that Parliamentary proceedings (such as Committee reports) can only be relied upon to prove uncontested facts, otherwise the other side is forced to impermissibly question the proceeding to defend their position. The claimants argued that the NAO reports were not proceedings, and that in the context of a human rights case their use of both sets of reports was permissible. Although ultimately these points became academic, the Court considered them in an annex to its main judgment.

It found that NAO Value for Money reports are Parliamentary proceedings as through them the NAO provides the expert support necessary for the Public Accounts Committee to do its work (we had argued that the NAO was part of the mechanism by which the House performed its constitutional role of controlling and authorising expenditure). Furthermore, if the NAO was worried about legal liability for its conclusions this might have a chilling effect on its work.

The court also concluded that case law established that relying on proceedings such as committee reports to prove contested facts is not allowed, and that the use of parliamentary proceedings to establish whether Parliament considered human rights issues was narrow and confined to proceedings on the enactment in question. Nonetheless the Parliamentary reality is that the principle underlying a bill may be discussed in many different places, such as Westminster Hall.

Referral to the Committee of Privileges

Following the summer recess the Speaker agreed to a request to give precedence to a complaint of breach of privilege, which was heard on 4 September.[8] Simon Hoare MP, the chair of the Public Administration and Constitutional Affairs Committee (PACAC) moved a motion requiring two reports of the Parliamentary Commissioner for Administration, in relation to steps taken by

[8] https://erskinemay.parliament.uk/section/5027/raising-a-complaint-of-breach-of-privilege-or-contempt?highlight=breach%20of%20privilege

the Charity Commission, to be laid before the House; and referring to the Committee of Privileges "the matter of the actions of the Charity Commission in bringing legal proceedings that would prevent the laying of a report before this House".[9]

PACAC is established under Standing Order No. 146 and is charged with examining the reports of the Parliamentary Commissioner for Administration (also known as the Parliamentary and Health Service Ombudsman) who is an officer of the House. The Ombudsman had issued reports in respects of two individual complaints against the Charity Commission but that the Charity Commission was bringing legal proceedings to prevent the Ombudsman from laying the reports. Mr Hoare said that his concern was to defend "the privileges of this House and our parliamentary process" which had too often been "slightly nibbled and chipped away at". The case was significant because it was "about the ability of the House to receive information": "the courts have hitherto always taken the standpoint that Parliament can and should see what it wants and needs to see, and that the courts should take no role in interfering with or obstructing that channel of communication."

Mr Hoare noted that PACAC could not make any judgement as to whether the Ombudsman or the Charity Commission were in the right until it had seen the reports; hence the provision in the motion requiring them to be laid. He said, however, that "it fundamentally undermines the rights and privileges of this place, and all of us as Members, when we are prevented from seeing reports that have been produced following due diligence and proper investigation and inquiry by a statutory body and the ombudsman, who is a servant of the House". He therefore sought the support of the House for the question to be referred to the Committee of Privileges.

Georgia Gould MP, a Minister in the Cabinet Office, spoke briefly to recognise the "important principle" raised by Mr Hoare following which the motion was agreed to without a division.

[9] https://hansard.parliament.uk/Commons/2025-09-04/debates/E991FAF7-1994-4B17-8912-D94638DC8F51/Privilege

STANDING ORDERS

AUSTRALIA

House of Representatives

Standing order 216 was amended in October 2024 to include a new power for the Committee of Privileges and Members' Interests to consider and report on serious breach findings which may be referred to it by the Independent Parliamentary Standards Commission. No other changes were made to standing orders in 2024.

Senate

On 9 October 2024, the Senate adopted minor amendments to standing orders to facilitate the consideration by the Privileges Committee of matters that may be referred by the newly established Independent Parliamentary Standards Commission, and consideration by the Senate of related reports from the Privileges Committee (standing orders 18 and 58).

Australian Capital Territory Legislative Assembly

The four yearly review of the Assembly standing orders and continuing resolutions was tabled in the Assembly on 31 August 2023. The report recommended 74 changes to the standing orders, 10 changes to continuing resolutions and eight other recommendations. Amongst the major changes to the standing orders (all of which were adopted by the Assembly). Minor amendments were made throughout 2024 relating to broadcasting guidelines and the Code of Conduct for Members.

New South Wales Legislative Council

Procedures for dealing with disorder by members during committee proceedings

On 13 March 2024, the House referred to the Procedure Committee an inquiry into procedures for dealing with disorder by members during committee proceedings. The inquiry arose out of a Budget estimates hearing during which 'a member repeatedly flouted the rulings of the chair and the procedural fairness resolution for inquiry participants.'

In its report, the committee noted that the existing standing orders provided limited options to committees to manage disorder. The committee recommended the introduction of a new sessional order which would enable the Chair of a committee to call a member to order three times for disorderly conduct in a committee meeting (excluding a deliberative meeting), and thereafter to enable a committee to meet in private and consider whether to remove the member for the duration of the meeting.

The House adopted a sessional order implementing this arrangement on 15 August 2024.

Soon after, the Budget Estimates hearings in September 2024 saw the first use of the new procedure when a member was removed from the hearing for a short period. As per the requirement of the sessional order, the relevant committee also tabled a Special Report in the House.

Updating the standing orders to require respectful behaviour in the chamber, particularly as they relate to sexism and racism

On 7 February 2024, the House referred to the Procedure Committee an inquiry into respectful behaviour in the chamber, particularly as they relate to sexism and racism.

In its report, the committee recommended the introduction of a sessional order to include the word 'discriminatory' in standing order 96(3), so that it would read: 'A member may not use offensive or discriminatory words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.' A sessional order implementing this recommendation was subsequently adopted on 14 August 2024.

The committee also recommended that Presidents' rulings dealing with offensive or discriminatory words in the chamber place a greater emphasis on the context in which the words are used, including the tone, manner and intent of the member speaking, as well as the effect of the comments in the chamber.

Tasmania House of Assembly

The expansion of the number of members in the House of Assembly and the minority government arrangements has meant that significant changes to the Standing and Sessional Orders were negotiated and agreed to by the House.

Changes to the Standing Orders included:

- An increase in the number of Deputy Speakers to be nominated from two to three.
- A previous sessional order that allowed the extension of a sitting day to be moved, was made a standing order.
- To reflect the number of members in the House, a quorum was changed from ten members to fourteen.
- A previous sessional order around the daily business which included the acknowledgement of the traditional people and prayers and reflections in the order was made a standing order.
- A requirement for Questions on Notice to be laid upon the Table of the House within 15 days was made a standing order.

- The Same Question Rule was repealed.
- Wording was changed in a standing order relating to lapsing of Notices not brought on such that any Notices made pursuant to statute do not lapse.
- A standing order was also altered to allow Notices to exceed 250 words in exceptional circumstances where the Speaker is satisfied it requires more than 250 words.
- Some language was changed in standing orders to be gender neutral; and
- The quorum of Standing Committees was changed from three members to a majority.

Additionally, in June, the House also agreed to a change to the Standing Orders following a recommendation of the Standing Orders Committee to introduce gender-neutral terminology in respect of the Speaker. The Standing Orders now require members to refer to the Speaker as "Speaker" or "Honourable Speaker".

A number of new sessional orders were also introduced which included:

- A reduction in speaking time limits to each member to account for the larger number of members.
- An increase in time allocated to private members' business.
- Changes to enable private members' bills to pass through all stages in one time allocation of private members' business.
- Changes to Question Time including the removal of 'Dorothy Dix' questions and the introduction of Constituency Questions.
- Adoption of a process to deal with cognate bills.

Victoria Legislative Assembly

On 29 November 2023, the Legislative Assembly unanimously agreed to amend its standing and sessional orders. This followed recommendations from an interim report of the Standing Orders Committee which recommended that eight sessional orders be included in the standing orders.

These sessional orders:

1. Required replies to questions on notice to be provided to the Clerk within 30 days.
2. Allowed supplementary questions to be asked during oral questions.
3. Allowed members to ask constituency questions.
4. Imposed time limits on answers and questions.
5. Provided that additional time for a "lead speaker of any other party" does not apply to a party in a formal coalition agreement with another party
6. Extended the time that the bells ring for a division.
7. Prescribed a procedure for redacting documents on safety or security

grounds.

8. Required a joint sitting when a member gives notice to disallow a pandemic order.

The amended standing and sessional orders came into effect on 1 January 2024. The Standing Orders Committee is continuing to consider whether there should be any changes to standing or sessional orders.[1]

Western Australia Legislative Council

After a three-year trial, the Legislative Council of Western Australia amended its standing orders giving effect to the facilitation of e-petitions. The Council merged the orders within its ordinary petitions standing orders (SOs 101 and 102).

To give effect to the administrative matters that largely reside with the Clerk, the Council passed a standing resolution of the House authorising and/or directing the Clerk to:

1. create and maintain an appropriate website on which to publish e-petitions and other explanatory information;
2. dispose of all electronic personal data relating to the posting and joining of an e-petition within six months after an e-petition is printed and presented to the Legislative Council;
3. make administrative alterations to e-petitions, as required, in consultation with facilitating members and principal petitioners; and
4. to do all things reasonably necessary to implement the resolutions.

The Council passed the above resolution in lieu of incorporating the extraneous administrative arrangements in its Standing Orders. The Council agreed with its Procedure and Privileges Committee that there was no utility including matters that were administrative in nature, however, the Council recognised that those administrative procedures are required to give practical effect to the operation of an e-petitions process.

Should it be necessary, both the orders and the resolution are amendable to keep pace with technological advances.

CANADA

Senate

On 8 May 2024, the Senate adopted a government motion amending the *Rules of the Senate*, the full text of which is found in the *Journals of the Senate* of

[1] https://www.parliament.vic.gov.au/4add4b/globalassets/sections-shared/get-involved/inquiries/committees/la-committees/la-standing-orders/lasoc-60-01-sessional-and-standing-orders.pdf

that date. Among the changes, the rules governing delayed answers to oral and written questions now include: a deadline of 60 days to table an answer or explanation why an answer is not provided; a limit of four written questions per senator published in the *Order Paper* and *Notice Paper*; and, in the absence of an answer or explanation, the referral of the question to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report.

Amendments were also made to include more senators in leadership positions of recognised parties and recognised parliamentary groups in provisions related to consultations regarding time allocation, the length of the bells for standing votes, the deferral of votes, ex officio membership of committees, and committee meetings when the Senate is adjourned. The definitions of several terms were also updated to reflect current usage and previously adopted amendments to the *Parliament of Canada Act*. For example, the term "Leader of the Government" is now "Leader or Representative of the Government", and "Deputy Leader of the Government" is now "Deputy Leader or Legislative Deputy of the Government". The leader or facilitator of the largest party or group, other than the government or opposition, also received unlimited time in most debates, as is already the case of the Leader or Representative of the Government, and the Leader of the Opposition. The number of senators who may have 45 minutes for debate at second and third reading was also increased, with the parties or groups to which the sponsor and critic do not belong being able to designate a senator to have that time in debate (the sponsor and critic already had 45 minutes at those stages).

Legislative Assembly of British Columbia

Remote participation

On 13 March 2024, the Legislative Assembly of British Columbia amended its Standing Orders to permanently enable remote participation in parliamentary proceedings by members. The Legislative Assembly first enabled remote participation by members in response to the COVID-19 pandemic and has continually enabled its use through Sessional Orders. Included in the amendment is the expectation that members, particularly those who serve concurrently in the Executive Council, continue to attend proceedings in person. As part of the change, the Speaker also issued guidance on remote participation that included expectations and standards on conduct and decorum, quorum, voting, and other matters that apply to all proceedings. The Legislative Assembly also adopted related changes to its Standing Orders to increase the time available for divisions, formalising a practice first implemented through Sessional Orders as part of hybrid proceedings. Following a division call, the question will now be stated not sooner than five minutes (previously two minutes) and not longer than ten minutes (previously five minutes).

Private members' business

On 9 May 2024, the Legislative Assembly of British Columbia adopted the most substantive amendments to its Standing Orders in recent decades. The amendments significantly change the way private members' business is considered. The changes followed the report of the Special Committee to Review Private Members' Business in 2023 that contained recommendations to improve the use of Private Members' Time and the ability of private members to advance legislative business, as private members' bills were rarely debated or passed in BC and private members' motions were rarely voted on.

The changes to the Standing Orders provide equal precedence to private members' motions and bills in the order of business. To provide more time to debate motions and bills, the time dedicated for statements during Private Members' Time, which takes place over two hours every Monday morning, was reduced from one hour to 30 minutes. Overall limits for the debate of private members' motions and bills, time limits for each stage of debate for bills, and individual speaking time limits were also implemented as part of the amendments.

As part of these changes, at the beginning of a new Parliament, a draw is held to establish the order in which private members can propose their items of business. Items of private members' business will remain on the Order Paper between Sessions within a Parliament. The changes also established a new Select Standing Committee on Private Bills and private members' bills to which private members' bills are committed after passing second reading (in BC, government public bills are considered in a Committee of the Whole). The new Committee must report each bill back to the House within 30 sitting days, either with or without amendment, or recommend that the bill not proceed further. These significant changes to the Standing Orders took effect on 9 September 2024, ahead of the First Session of the 43rd Parliament. The first ever precedence draw establishing the order for BC's 65 private members to propose business was held on 18 December 2024.

Manitoba Legislative Assembly

Virtual participation made permanent

The Clerks prepared a new set of Rules which permanently incorporated provisions to enable virtual participation of members, as the newly elected October 2023 43rd Legislature embraced that structure which was successfully incorporated in the previous Legislature. Virtual sittings were initiated on 7 October 2020 by a Sessional Order to deal with the Pandemic. The Sessional Order regarding virtual participation was extended on numerous occasions due to its successful implementation. The Sessional Order was allowed to lapse however upon the dissolution of the 42nd Legislature in order to allow the

newly elected Assembly to decide upon it being accepted on a permanent basis.

The start of the 2nd Session of the 43rd Legislature marked the day that changes to the Rules, adopted by the House in May 2024, came into effect. Most of the changes involved codifying the virtual participation provisions of the Sessional Order passed in October 2020.

Further Rule changes

In addition to adapting the Rules to make virtual participation permanent, the Legislature passed further changes to the Rules of the House that took at the start of the 2nd Session. Some of the other permanent rule changes include:

- Amending the Sessional Calendar to ensure that the House does not sit on Indigenous Veteran's Day or Orange Shirt Day.
- Further clarification of Specified Bill criteria;
- Clarification of emergency provisions;
- Exempting the election of the Speaker from virtual provisions;
- Adding Ministerial Statements to the provision allowing Ministers to include up to 50 names in Hansard;
- Requiring Whips to provide Committee Clerk a Membership list at least one hour before meetings;
- Extending virtual provisions to presenters and allowing for more members to question presenters during meeting, whilst limiting the number of out-of-province presenters to two, unless there is an agreement by the House Leaders or the unanimous consent of the Committee hearing the presenters;
- Provisions streamlining the Budget process.

Both the Rule Book and the Summary of Changes documents are available on the Assembly website: https://www.gov.mb.ca/legislature/business/rule_book.html.

Ontario Legislative Assembly

In 2024, the Legislative Assembly of Ontario adopted amendments to the Standing Orders on 26 March and 8 April. The amendments included both permanent and provisional rules relating to House and committee proceedings, the most significant of which are as follows:

March 2024 Amendment

On 26 March 2024, the House adopted an amendment to the Standing Orders permitting members to address the House (and committees) in an Indigenous language spoken in Canada, where previously, members could only speak in English or French. Members are required to notify the Clerk of their intention to speak in an Indigenous language during proceedings prior

to taking their seat in the House for the first time, allowing the Speaker to arrange interpretation and translation services. The amended Standing Order took effect on 26 April 2024, before which time a temporary rule afforded the same opportunity to members who had already taken their seats. On 28 May 2024, MPP Sol Mamakwa delivered a speech and asked questions in the House in Anishininiimowin (known as Oji-Cree in English) for the first time.

April 2024 Amendments

On 8 April 2024, the House adopted a motion to amend a broad range of Standing Orders. A static numbering system was also introduced to the Standing Orders at this time.

One notable amendment changed the process of presenting petitions. Members must now summarise the content of petitions when presenting them to the House. Previously, the Standing Orders provided that petitions could be either read in full or summarised. On 27 May 2024, the Speaker made a statement reminding members of the new rule and encouraging them to keep their summaries brief to allow more petitions to be presented.

Additionally, the amendments included an allowance for any Parliamentary Assistant to respond to adjournment debates on behalf of any Minister. Previously, only the Parliamentary Assistant to the Minister to whom the question was directed could respond.

The amendments also included a number of changes related to committees. The most significant of these related to the mandate of the Standing Committee on Procedure and House Affairs (SCPHA). The committee was granted the authority to appoint and revise the membership of the other standing committees. Since the amendment's adoption, SCPHA has revised committee membership twice; however, the House also retains the ability to effect committee membership changes via motion.

Additionally, SCPHA is now responsible for considering requests from independent members to be appointed to a standing committee and determining how to proceed with them. Previously, independent members directed their requests to the House Leaders of recognised parties, and each independent member was entitled to at least one committee appointment (although their committee preference was not guaranteed). The Standing Order amendments also empowered SCPHA to set and revise certain fees related to private bills, which had previously been fixed by the Standing Orders.

There were also changes to the rules relating to temporary substitutions on committees. Substitution slips may now be filed at any time before or during a meeting; however, if a substitution is filed during the course of a meeting, it must be delivered in-person to the Clerk of the committee. Prior to this, substitution slips had to be filed 30 minutes before the start of either the

morning or afternoon segment of a meeting. Independent members are no longer eligible for temporary substitutions.

ISLE OF MAN

House of Keys

On 1 July 2024 the House considered two reports by its Standing Orders Committee and adopted all the Standing Orders changes which had been recommended.

The first report concerned the method of election to the office of Chief Minister. Under the *Council of Ministers Act 1990* it is the function of the House of Keys to nominate a Chief Minister for appointment by the Governor. The procedure leading to that nomination involves the publication of a written policy statement, a hustings which is videoed and published on YouTube, an open election process in which everyone knows who has voted for whom, and a confirmatory vote in which the preferred candidate must reach the threshold of 13 votes specified by the Act (the House having 24 members). No change was proposed to these elements of the procedure.

However, the procedures in place before July 2024 did not allow MHKs who wish to be Chief Minister any voice within the parliamentary setting. Rather, candidates had to be proposed by other members. Those proposers could make brief speeches but there was no debate. Under the proposals adopted in July 2024 candidates themselves will speak and answer Questions from other members before the voting takes place. This change is intended to make the process both more thorough and more transparent.

The second report concerned the method of election to the Legislative Council. Under the *Isle of Man Constitution Act 1919* it is the function of the House of Keys to elect members to the Legislative Council, with the elections taking place twice in every five years. Before 2000 the majority of MLCs were former MHKs and were therefore well known to the House and to the public more generally. Since then, more MLCs have come in from outside, and efforts have been made to open the procedure up and make it more like a conventional recruitment process. The proposals adopted in July 2024 represented a further development in that direction by introducing an application form for the first time. Persons wishing to become MLCs can now submit an application for consideration without first having to make contact with any MHK. This is followed by a new "Applicants' Conference" at which applicants and MHKs can meet before MHKs decide which applicants to put forward as candidates.

UNITED KINGDOM

Northern Ireland Assembly

In September 2024 the Assembly agreed to amend Standing Orders to provide that no private member's bill (PMB) shall be introduced in the Assembly in the final session of its scheduled mandate. This was to address an issue from the previous mandate when a high volume of PMBs had been introduced in the final session. Their introduction had caused significant pressures on plenary and committee time, particularly given the volume of simultaneous Executive business.

In October 2024 the Assembly agree a new Standing Order making specific provision for the Windsor Framework Democratic Scrutiny Committee. The Standing Order reflects the new statutory provision for this committee. It also allows for members of this committee to appoint a substitute who may attend any meeting of the committee from which the usual member is absent.

In November 2024 the Assembly agreed a new Standing Order which provides, in specific circumstances, for members to be able to vote in plenary by proxy. These circumstances include where a member could, if an employee, exercise a right to maternity leave, paternity leave, adoption leave, shared parental leave or parental bereavement leave. Other circumstances include where a member is affected by complications arising from pregnancy, including miscarriage, stillbirth and baby loss. The final set of circumstances is where a member has fostering responsibilities of a prescribed kind. The Standing Order is supplemented by a proxy voting scheme which is published by the Speaker and which sets out the specific details of how a proxy vote might be exercised.

Scottish Parliament

Changes to Standing Orders in relation to procedures for consent in relation to UK Bills were agreed in June 2024.[2] The changes provided processes that should be followed in relation to instances where the Parliament grants or withholds its consent, either fully or partially. Previously, the rules focussed only on the granting of consent.

An inquiry is currently underway by the Standards, Procedures and Public Appointments Committee in relation to committee effectiveness. The report may make recommendations in relation to the procedures and practices of parliamentary committees and is due to be published in early autumn.

[2] https://digitalpublications.parliament.scot/Committees/Report/SPPAC/2024/6/20/eec7c4e4-0316-4654-a0b3-54cc9cbffa47#Introduction

Senedd Cymru

Senedd Reform

The *Senedd Cymru (Members and Elections) Act 2024*[3] became law on 24 June 2024. The provisions of the Act introduce several significant changes that will necessitate changes to Standing Orders. These include:

- An increase in number of Senedd members: The Senedd will expand from 60 to 96 members following the 2026 election. Though Standing Orders will not need to be changed to directly accommodate this expansion, consideration will need to be given to whether changes will be needed to number-based thresholds, such as the number of members required to form a group, as a result.
- Changes to constituencies: Standing Orders must be updated to reflect the new constituency structure whereby Wales will be divided into 16 new constituencies, each electing six members. This means that all members will be elected in the same way, ending the previous need for the Standing Orders to address matters related to their being two types of members elected (constituency and regional).
- Deputy Presiding Officers: The maximum number of Deputy Presiding Officers will increase from one to two and Standing Orders will need to outline the roles and election process for these positions.

Job sharing for committee chairs

The Business Committee is undertaking a targeted piece of work on job sharing in the role of committee chair. It is focusing initially on job-sharing in this role alone as no changes to the law are expected to be needed if the Senedd chose to introduce such arrangements, unlike in a number of other roles.

As proposed, job-sharing would involve two members from the same political group sharing one full-time committee chair role. In such an arrangement, both partners would hold equal status and share responsibilities.

Were the work to result in a proposal to the Senedd, this would be expected to be on a pilot basis that could inform any future approach to job sharing in other Senedd offices.

Limited review of consolidation bill procedures

The Business Committee undertook a limited review of the Senedd's procedures for Consolidation Bills[4] following the introduction of the first Consolidation Bill to the Senedd (the *Historic Environment (Wales) Bill*[5], which was introduced

[3] https://www.legislation.gov.uk/asc/2024/4/contents/enacted

[4] https://senedd.wales/media/u4yl2btv/cr-ld18284-e.pdf

[5] https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=39698

on 4 July 2022 and received Royal Assent on 14 June 2023).

The review was undertaken in response to procedural issues raised by the Legislation, Justice and Constitution Committee ("the LJC Committee") during its consideration of the Bill.

It proposed that Standing Order 26C, which relates to Consolidation Acts of the Senedd, should be amended so that Detailed Committee Consideration is only completed when:

- the last amendment is disposed of or the last section/schedule has been agreed, and
- the responsible committee (the LJC Committee in the Sixth Senedd) has reported on the outcomes of its detailed consideration (or the deadline by which it is required to report has passed).

The Business Committee agreed that it would be appropriate to return to the impact of LJC Committee being unable to reach majority agreement on whether a Consolidation Bill should proceed to Detailed Senedd Consideration or Final Stage as part of a fuller review of Standing Order 26C.

It also agreed to return to return to the issue of the window available for a Member of the Senedd to object to an LJC Committee recommendation on whether a Consolidation Bill should proceed to Detailed Senedd Consideration or Final Stage as part of a wider review of Standing Order 26C, as Business Committee had not been able to agree unanimously to a change.

The Standing Order report was agreed in Plenary on 31 January 2024.[6]

In December 2023, the Business Committee decided that a review should not take place until a second Consolidation Bill has been scrutinised. If a further Consolidation Bill is introduced during the Sixth Senedd, a decision will be needed as to whether the Bill timings will allow for a review of the process in the Sixth Senedd.

[6] https://business.senedd.wales/ieListDocuments.aspx?CId=700&MId=13685&Ver=4

SITTING DAYS

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Aus House of Representatives	0	11	7	0	6	8	4	8	4	3	12	0	63
Aus Senate	0	7	7	0	3	4	4	8	8	3	8	0	52
Aus Australian Capital Territory LA (election)	0	3	3	3	3	6	0	3	3	0	1	3	28
Aus New South Wales LA	0	3	6	0	6	7	0	7	7	7	8	0	51
Aus New South Wales LC	0	3	6	0	6	7	0	6	6	6	6	0	46
Aus Northern Territory LA (election)	0	3	6	0	6	1	0	0	0	6	3	0	25
Queensland Parliament	0	3	6	4	5	4	0	3	3	0	3	3	34
Aus South Australia HA	0	6	6	4	5	6	0	3	6	4	6	0	46
Aus Tasmanian HA (election)	0	0	0	0	6	6	3	3	6	3	6	0	33
Aus Victoria LA	0	6	6	1	8	3	2	7	3	6	6	0	48
Aus Victoria LC	0	6	6	2	7	3	2	7	3	6	6	0	48
Aus Western Australia LC	0	4	6	3	9	6	0	6	6	6	9	0	55
Can House of Commons	3	16	6	11	17	13	0	0	10	18	16	12	122
Can Senate	0	11	4	7	11	10	0	0	6	12	9	7	77
Can Alberta LA	0	2	12	12	14	0	0	0	0	4	12	3	59
Can British Columbia LA (election)	0	7	8	13	10	0	0	0	0	0	0	0	38
Can Manitoba LA	0	0	10	15	15	1	0	0	0	13	12	4	65

Figures are for full sittings of each legislature in 2023. Sittings in that year only are shown. An asterisk indicates that sittings were interrupted by an election in 2023.

Can Ontario LA	0	7	12	12	12	4	0	0	0	8	13	8	75
Can Prince Edward Island LA (election)	0	3	12	14	0	0	0	0	0	0	16	0	45
Can Quebec National Assembly	2	10	9	10	12	4	0	0	9	12	10	4	82
Can Saskatchewan LA (election)	0	0	16	14	10	0	0	0	0	0	4	6	50
Cyprus House of Representatives	2	5	3	4	3	1	3	1	1	4	4	4	35
India Rajya Sabha	1	8	0	0	0	2	11	7	0	0	4	15	48
India Chhattisgarh LA	0	16	1	0	0	0	5	0	0	0	0	4	26
India Punjab LA	0	0	7	0	0	0	0	0	3	0	0	0	10
India Telangana LA	0	8	0	0	0	0	9	4	0	0	0	7	28
India Telangana LC	0	5	0	0	0	0	4	4	2	0	0	7	18
Isle of Man House of Keys	2	3	3	2	2	3	3	0	0	2	3	2	25
Isle of Man LC	1	2	2	0	0	2	1	0	0	1	2	2	14
Isle of Man Tynwald Court	2	2	2	2	1	2	3	0	0	3	3	2	22
New Zealand House of Representatives	2	8	8	4	11	1	5	10	8	6	9	3	75
UK House of Commons (election)	17	15	17	12	15	0	14	0	8	16	16	13	143
UK House of Lords (election in the House of Commons)	14	18	18	11	16	0	12	0	10	18	17	14	148
UK Northern Ireland Assembly	1	8	5	8	6	8	2	1	7	7	8	4	65
UK Scottish Parliament	11	10	12	7	14	12	0	0	12	9	12	9	108
UK Senedd Cymru	8	6	6	5	7	8	6	1	4	8	8	4	71

UNPARLIAMENTARY EXPRESSIONS

AUSTRALIA

House of Representatives

"...some little twerp from England"	6 February
"As to the morons on my right here..."	12 February
"The Prime Minister has shown he has no integrity whatsoever"	13 February
"The light shines upon the member...but it doesn't make him any brighter"	27 February
"You're a coward"	27 February
"Have you eaten another Schmackos?"	20 March
"Oscar the Grouch"	20 March
"The people who were appointed to these jobs were not put there on merit; they were put there because of their mateship with the Liberal Party. It was so stacked even the member... would have blushed, maybe"	20 March
"That's the drug dealers' defence!"	30 May
"He is still an absolute rissole"	5 June
"You should apologise for the fraud you perpetrated amongst the defence industry"	5 June
"...being morally bankrupt and ideological from the sanctity of Hobart..."	6 June
"...being crap at managing the NDIS..."	6 June
"...antiunion, antiworker fuckers...a lot of fucking money...a fucking misery..."	26 June
"...will he continue to be weak?"	1 July
"I bet you've never fired a rifle in your life!"	1 July
"The Liberal favourite, sex toys"	2 July

"Want to punch someone, do you?"	3 July
"...this weak Prime Minister..."	3 July
"You're a sook!"	14 August
"Stop being racist"	15 August
"Obviously, he hates Christianity and that's probably why he is backing the Olympics"	19 August
"This opposition leader wants to punch down"	22 August
"As I said the other day, when the Leader of the Opposition plays his little dog whistle, the shadow Treasurer rolls over. We saw once again today that the Shadow Treasurer is in the doghouse. The Prime Minister has Toto and the Leader for the Opposition has the Member for Hume, but Toto has more to offer the economic debate in this country than the Shadow Treasurer does"	22 August
"The shadow Treasurer poisoning grasslands with his company's—"	12 September
"Have you got Tourette's or something? You sit there, "babble, babble, babble"—"	8 October
"I want to thank the member...for not yelling and screaming like a lot of his idiot colleagues did—"	9 October
"If the Shadow Treasurer were honest"	5 November
"All the confidence of a lost dog"	21 November
"But the biggest hypocrites of all are the Greens"	25 November

Australian Capital Territory Legislative Assembly

"Cooking the books"	20 March
"We can have lies, damned lies, and Mr XX's statistics"	9 April
"Stop trying to be a principal. Oh, that's right: you never were one"	10 April
"Misrepresenting"	6 June

"Misogynistic statement"	6 June
"Breaking the law"	6 June
"Nazism"	6 June
"Moronic"	25 June
"Nazis"	25 June
"Cover-up"	27 June
"You're not interested in the truth"	8 August
"Gaslighting"	28 August
"Reprehensible remarks"	28 August
"Say that outside the chamber, principal"	28 August
"Allegedly"	4 September
"Fake petitions"	4 September
"Protection racket"	4 September
"Mr XX sold out ACT Labor for donation money from the CFMEU and their exorbitant influence within the party"	4 September

Queensland Parliament

"...when you ask the Dalek what Minister Fentiman thinks about this problem, it's, Exterminate. Exterminate"	13 February
"We might as well be the person standing on the street corner handing out the crack baggies"	13 February
"...the spineless LNP leader..."	6 March
"...the total hypocrisy of those opposite"	7 March
"You can always count on one scumbag to say the quiet bit out loud, can't you?"	7 March
"The current minister is just the latest in a conga line of frauds, phonies and failures"	19 March
"The Member for Broadwater needs to stop being shifty..."	21 March

"...the scab union..."	21 March
"This is a grubby bill..."	21 March
"That is something to give a fork about"	21 March
"We know there is no spine there..."	17 April
"...I do not know what the hell we are doing here..."	17 April
"I believe that is a load of crock..."	18 April
"...the protection racket that occurred..."	1 May
"...doing stuff-all for the community"	1 May
"They have described him as slick and slimy..."	1 May
"...those interjecting are oxygen thieves"	2 May
"Stuff the Olympics"	23 May
"...this state buggered up the gas reserve..."	12 June
"...but we will have cut our throats..."	12 June
"...his crooked behaviour..."	20 August
"Little Joh is over there..."	20 August
"They will not shut up..."	21 August
"Dodgy Dave"	22 August
"We know he is weak"	10 September
"The only gutter the Deputy Premier knows is the political gutter...his are not the hands of a gutter cleaner; his are the hands of an arrogant upstart who thinks he is better than anybody else?	10 September
"As murky as a brown snake in Bulimba"	10 September
"a shifty salesperson who will say anything to anyone..."	11 September
"The Leader of the House is simply a lap-dog who does whatever he is told"	11 September
"Racist!"	28 November

"You are bloody croc bait..."	10 December
"Jesus!"	11 December
"...the former minister's failure to actually give a bugger—"	11 December
"People have had a gutful..."	11 December

South Australia House of Assembly

South Australia House of Assembly

"Fraud"	27 August
"Seagull"	28 August

Victoria Legislative Assembly

"Dead man walking"	19 March
"Libel party"	27 August
"Pig of a man"	27 August

Victoria Legislative Council

"A minister who cannot be arsed doing all the proper work"	5 March
"She is a protected species"	6 March
"Shut up"	13 November

Western Australia Legislative Council

Western Austrlia Legislative Council

"Lunatic"	7 November

CANADA

House of Commons

"An effing tool"	5 February
"...someone as low as that member"	22 March
"Brownshirts"	11 April

"Petro-puppet"	18 April
"NDP-Liberal government" Context: used to refer to the fact that there is a supply and confidence agreement between the NDP and the Liberal Party	18 April
"What the hell are they thinking over there?"	29 April
"Wacko Prime Minister"	30 April
"Bloc-Liberal government" Context: used to refer to the fact that the Bloc supported some Liberal measures	2 May
"Bully"	28 May
"Anti-Alberta minister"	30 May
"Moron"	3 June
"Weak and cowardly"	17 September
"A fake, a phony and a fraud"	19 September
"Sellout"	24 September
"Does he engage them in the bathtub?" Context: remark relating to purchase of a $9m luxury New York condo with a high-end bathtub	25 September
"Show some balls"	27 September
"I do not know if I hear the sound of a pager beeping" Context: reference to coordinated beeper explosions in Lebanon	27 September
"PhD in Wackonomics"	22 October
"Maple syrup MAGA"	22 October
"Circus clown"	24 October
"Is he the Minister of IRCC or the minister for the IRGC (Islamic Revolutionary Guard Corps)?"	24 October
"Edward Scissorhands"	31 October
"Cocaine Randy" Context: reference to Minister Randy Boissonnault's firm sharing a post office box with a woman detained in two major drug busts	18 November

"Stuffed his pockets with the money"	19 November
"All flannel and no axe"	28 November
"Slimeball"	3 December
"Snowflakes"	3 December
"The billionaire bootlicker Conservatives"	6 December
"The only density is in his head"	11 December

British Columbia Legislative Assembly

"Yet we see gaslighting from a cowardly Premier..."	11 March

Manitoba Legislative Assembly

"Minister of social media vanity"	20 March
"Material traditionally found on the floor of barns"	21 March
"BS, basic stupidity"	8 April
"Wannabe Ag minister"	9 May
"Full of baloney"	29 October
"Factually out to lunch"	21 November

Ontario Legislative Assembly

"Stranger to the truth"	22 February
"Hypocrisy of the other side"	26 February
"...stop stealing revenue from Ontario cities..."	27 February
"...love to pick the pockets of Ontario's families..."	28 February
"Speak from both sides of your mouth"	28 February
"Disingenuous"	28 February
"False narrative"	28 February
"Talking out of both sides of your mouth"	5 March
"Allergic to the truth"	25 March
"Gaslighting"	25 March

"...spinning things and speaking from both sides of their mouth"	8 April
"...but instead she wants to suck and blow at the same time..."	10 April
"Your privatization is killing people"	17 April
"...categorically not true"	22 April
"...pulling the wool over our eyes"	24 April
"Scamming"	7 May
"The Leader of the Opposition has stood up...slandering people in the worst way..."	9 May
"I don't acknowledge anti-Semitic people"	14 May
"...insincere attempt to mislead Ontarians"	16 May
"Lied under oath"	29 May
"Gaslight people"	5 June
"...we should have Pinocchio's nose growing every time that kind of question is posed"	24 October
"...not a lot of respect from the Conservative government"	24 October
"Making things up"	28 October
"Bribes from this government"	30 October
"I'd like to think that for this government, kids trump bribes and booze"	30 October
"He is actually gaslighting them"	31 October
"Taxpayer bribes"	31 October
"Intellectually dishonest"	31 October
"It's a bribe"	31 October
"...scandals, scams, beer promises, this is what we get from this government"	31 October
"This is the kind of shady business that undermines Ontario's credibility"	7 November

"I love to see the minions here give the Premier her a standing ovation..."	21 November
"Government spin"	27 November
"Misinformation they continue to throw out"	27 November
"Why did the Premier and his infrastructure minister rig the Ontario Place procurement process to benefit certain bidders?"	3 December
"False story"	10 December
"Comrade opposite"	11 December
"This is her last Christmas in this place, potentially, because we're coming for that member in Windsor"	11 December
"April Fool's has long gone past, and I think you're the biggest fool at last"	12 December

Quebec National Assembly

"Tordre (la vérité)" Translation: twist the truth	30 January
"Hypocrisie (gouvernementale)" Translation: governmental hypocrisy	8 February
"Démagogique (bassement)" Translation: basely demagogic	8 February
"Arrogance" Translation: arrogance	20 February
"Falsification" (de documents)" Translation: falsification of documents	21 February
"Cacher (des intentions, des informations)" Translation: conceal intentions or information	30 January, 22 February
"Culot (ça prend du)" Translation: nerve / audacity	15 February, 13 March
"Mépriser" Translation: despise	21 March
"Incompétence" Translation: incompetence	21 May, 4 June
"Détourner (de l'argent)" Translation: divert money	6 June
"Hamas (défendre le)" Translation: defend Hamas	7 June

"Honnêteté intellectuelle" Translation: intellectual honesty	10 September
"Tromper les Québécois" Translation: deceive Quebecers	12 September
"Cheap (labor)" Translation: cheap labour	19 September
"Négligence (la ... est un choix politique)" Translation: negligence...is a political choice	19 September
"Triturer (les programmes)" Translation: fiddle with programs	25 September
"Ridicule (c'est complètement)" Translation: ridiculous — it is completely	26 September
"Trahir (la loi)" Translation: betray the law	26 September
"Catimini (en)" Translation: on the sly / secretly	23 October
"Aveuglement volontaire" Translation: wilful blindness	29 October
"Petite politique (faire de la)" Translation: engage in petty politics/partisan squabbling	24 April, 29 October
"Induire en erreur (les Québécois)" Translation: mislead Quebecers	31 October
"Salir (la classe politique, le gouvernement)" Translation: smear / sully the political class or government	31 October
"Salissage (c'est du)" Translation: it is smearing / sullying	30 January, 26 November
"Cacher (se) (derrière la législation, les procédures parlementaires)" Translation: hide behind legislation or parliamentary procedure	25 April, 27 November
"Petite partisanerie (faire de la)" Translation: engage in petty partisanship	28 November
"Faire peur" Translation: to scare	20 February, 23 May, 29 November

Saskatchewan Legislative Assembly

"This problem was created under the Sask Party, and they can't be trusted to fix it, Mr. Speaker"	5 March

"Mr. Speaker, it's no wonder no one trusts the NDP"	14 March
"Does he think he is good at his job, which increasingly clearly he is not"	18 April
"Referred to a member slandering people of this province"	2 May
"You always have to read between the lines when it comes to how the Sask Party government talks about classrooms and education"	27 November
"The massive outreach, rammed through using the hubris of the notwithstanding clause, targeted the most vulnerable children in our schools"	2 December
"We will work tirelessly as a team to ensure accountability and work to stop — well to spotlight and then to stop — the mismanagement, the waste, and corruption"	3 December
"I feel that the member from Regina Mount Royal was disrespectful to our former minister"	3 December
"Is that dignity, Mr. Speaker, for the Leader of the Opposition to fill NDP [New Democratic party] coffers on the backs of Fred. (in reference to a dying man unable to obtain hospice care)"	4 December
"This tired and out-of-touch government pays lip service to the overdose crisis"	10 December

INDIA

Lok Sabha

"Fraud"	2 February
"Untouchable" / "Untouchables"	2 February
"Betrayal"	2 February
"Liar"	2 February
"Loot"	2 February
"Nonsense"	5 February
"Lies"	5 February

"Cheater"	5 February
"Thief"	5 February
"Deceit"	6 February
"Thieves"	6 February
"Land mafia"	6 February
"Hooliganism"	6 February
"Betrayed"	6 February
"Mockery"	7 February
"False promises, looted"	7 February
"Liar, lie"	7 February
"Shameful"	7 February
"Fascist Hitler"	7 February
"Dark deeds"	7 February
"Anti-national"	7 February
"Traitor"	7 February
"Cheated"	8 February
"Shame"	9 February
"Fool"	9 February
"Harijans" *Translation" children of god*	9 February
"Cheat and fool"	10 February
"When the guilty protest"	28 February
"Shameless display"	28 February
"Bullying"	28 February
"Stupid"	28 February
"Misguided"	1 July
"Arrogant"	1 July

"Confused"	1 July
"Destruction"	1 July
"Mujra"	1 July
"Tughlaqi" *Translation: an arbitrary, illogical, or whimsical decision, often resulting in chaos*	1 July
"Lies upon lies"	1 July
"The leader of liars"	1 July
"Poor"	1 July
"Cheating"	2 July
"Cheated"	2 July
"Shamelessness"	2 July
"Non-biological Prime Minister"	2 July
"Hypocrisy and hypocrites"	2 July
"Lies only"	2 July
"Corruption"	2 July
"Deceit"	2 July
"Bullying"	2 July
"False"	2 July
"Blackmail"	2 July
"Bootlicker"	3 July
"Shame"	24 July
"Loot"	24 July
"Lied"	24 July
"Damn"	25 July
"Mitron"	25 July
"Dishonest"	29 July

"Conspiracy"	30 July
"Cabal"	30 July
"Duplicity and hypocrisy"	1 August
"Deceit, fraud and cheating"	2 August
"Fraud"	2 August
"Fraudulent"	2 August
"Cheating"	5 August
"Looting"	5 August
"Dishonesty"	5 August
"Robbery"	7 August
"Blood sucker"	7 August
"Theft"	7 August
"Sin"	7 August
"Insult"	7 August
"Blood money"	7 August
"Robbery"	8 August
"Betrayal"	8 August
"Hypocrisy"	8 August
"Bluffs and cheating"	8 August
"Steal"	3 December
"Enemy"	4 December
"Lie/ Lying"	16 December
"Supari Agents"	16 December
"Nazi"	17 December
"Thieves and robbers"	17 December
"Robbing"	17 December

"Autocrat"	17 December

Chhattisgarh Legislative Assembly

"Fraud"	5 February, 14 February, 22 February
"Sin"	5 February, 13 February, 16 December
"Helpless"	6 February, 21 February
"Swindle"	6 February
"Swindler"	6 February, 13 February, 14 February
"Embezzlement"	6 February
"Gundaism"	7 February, 8 February, 13 February, 23 February, 26 February
"Loot"	7 February, 13 February, 14 February, 15 February, 27 February
"By taking commission"	7 February
"Commission / Brokerage"	7 February
"Donkey–Donkey"	8 February, 27 February
"Cawed"	8 February
"Plunder"	9 February

"His buttock is peeled off"	12 February
"Distribution to own people"	12 February, 14 February, 21 February, 22 February, 26 February
"Helpless women"	12 February
"Fraud play" / "Humbuggery"	12 February
"To rob"	12 February
"Butcher"	12 February
"Recovery"	12 February
"Dance and singing of women legislators"	13 February
"Thief, theft"	13 February
"Cheated"	13 February, 15 February, 22 February
"Trickle down"	13 February
"Damn"	13 February
"Robbed"	13 February
"Robber"	13 February, 14 February
"Useless"	14 February
"Chilli"	14 February
"Administrative bullying"	14 February
"Deceit"	14 February
"Issuing orders without following rules and regulations"	14 February
"The robbers"	14 February

"Stupid"	15 February, 21 February
"Loot shop"	15 February
"Contracts"	16 February
"Contract rule (using for own benefits)"	16 February
"Forgery"	20 February
"Arrogant Government"	20 February
"Blind"	20 February
"Sins"	22 February
"Collar (look at your own functioning)"	22 February
"Will rob"	22 February
"Looting"	22 February, 26 February
"The commission game"	22 February
"Timid"	23 February
"Poor guys, poor thing"	26 February
"Rude"	26 February
"Lathait giri" *Translation: the behaviour of a henchman*	26 February
"Legacy"	26 February
"Hooliganism"	26 February
"Government of the Monster"	27 February
"Worthless"	27 February
"Devil" / "Ghost"	27 February
"Cheat"	27 February
"Delusion"	27 February
"Murder of democracy"	27 February

"Dark exploits"	16 December
"Tyrant"	17 December
"Lie"	17 December
"A bundle of lies"	17 December
"Imposter"	17 December
"Dancing girl"	17 December
"Thug / goons"	17 December
"Contractor of sins"	19 December
"Bearded"	19 December
"Poor girl"	19 December
"The blind king"	19 December
"The master of deceit" / "Master conspirator"	19 December
"The watchman is a thief"	20 December

NEW ZEALAND

House of Representatives

"In the pocket of the lobbyists"	27 March
"Sell-out"	21 May
"Crackhead coalition Government"	30 May
"...master of absolute black and white lies and propaganda"	25 June
"...led by fools like Mr Meager"	25 June
"Retard comment"	23 July
"Idiotic questioner"	23 July
"We're not in Mexico. That's not how we do it here"	30 July
"Wimp"	21 August

"Does he agree that the actions of his Government constitute ethnocide?"	26 September
"...inventing stories out of the Brothers Grimm, or fables curated from the Waatea newsroom"	24 October
"...if he cares a lot about conflicts, I wouldn't call a sister-in-law a distant relative"	5 November
"Anti-Māori policy agenda"	19 November
"Communist tendencies"	20 November

UNITED KINGDOM

Senedd Cymru

"Chopsing away"	9 July

BOOKS ON PARLIAMENT IN 2024

AUSTRALIA

Australia's Evolving Democracy: A New Democratic Audit, by Mark Evans, Patrick Dunleavy and John Phillimore, LSE Press, ISBN: 9781911712312.[1]

Parliamentary Democracy at Work: Essays on the New South Wales Legislative Council, edited by David Blunt and David Clune, Federation Press, ISBN: 9781760025199.

Women in the WA [Western Australian] Parliament: an annotated bibliography, by Dr Niamh Corbett, Western Australian Parliamentary History Advisory Committee, ISBN: 978-0-9875969-7-0 (Hardcopy) ISBN 978-0-9875969-8-7 (e-book).[2]

Women in the WA Parliament is a compelling tribute to the pioneering women who have served in the Western Australian Parliament. Written by Dr Niamh Corbett and commissioned by the Western Australian Parliamentary History Advisory Committee, this collection offers a profound insight into the challenges and triumphs faced by these trailblazing women.

The book meticulously documents the slow progress of women's representation in Western Australia, noting the stark contrast between the early achievements and the subsequent decades of minimal female participation. The turning point came in 1983, with a significant increase in the number of women elected, culminating in the historic election of Dr. Carmen Lawrence as Australia's first female Premier in 1990.

One of the most striking aspects of this bibliography is its detailed account of the 2021 election, where a record number of women were elected, marking a significant shift towards gender parity in the Western Australian Parliament. The election of Magenta Marshall, which resulted in a female majority in the Legislative Assembly, is a testament to the progress made over the past century.

The collection is not just a historical record but also a source of inspiration. It highlights the ongoing challenges women face in politics and celebrates their achievements. The annotated bibliography format provides a valuable resource for students, researchers, and historians, offering a comprehensive overview of the contributions of women to Western Australian politics.

[1] https://press.lse.ac.uk/books/e/10.31389/lsepress.ada

[2] Available here: https://www.parliament.wa.gov.au/WebCMS/webcms.nsf/resources/file-womeninparliamentebook/$file/Women in Parliament_ebook.pdf

CANADA

À la conquête du pouvoir: comment une troisième voie politique s'est imposée au Québec, by Pascal Mailhot and Éric Montigny, Éditions du Boréal, ISBN: 978-2-7646-2820-1

Antonio Barrette: député de Joliette et premier ministre du Québec, 1936-1960, by Jean-Pierre Malo, Éditions GID, ISBN: 978-2-89634-560-1

Canadian Parties in Transition, Fifth Edition, Alain-G. Gagnon and A. Brian Tanguay (editors), University of Toronto Press, ISBN: 9781487554606.

Claude Morin et la GRC: traître ou héros?, by Antoine Robitaille, Éditions du Journal, ISBN: 978-2-89761-198-9.

The House of Commons of Canada, by Rob Walsh, University of Toronto Press, ISBN: 9781552217177.

Le lion de l'Outaouais: Aimé Guertin, député conservateur du Québec au tournant des années 1930, by Pierre Louis Lapointe, Éditions GID, ISBN: 978-2-89634-557-1.

Médiatisation de la politique: logiques et pratiques, edited by Mireille Lalancette and Frédérick Bastien, Presses de l'Université du Québec, ISBN: 978-2-7605-5931-8.

PQ et QS: des frères ennemis? Histoire de la convergence indépendantiste, by Marc Desnoyers, Éditions Somme Toute, ISBN: 978-2-89794-504-6.

Québécoises et représentation parlementaire, Second Edition, by Manon Tremblay, Presses de l'Université Laval, ISBN: 978-2-7663-0148-5.

Le sexe du pouvoir, Politique au féminin: élues et ex-élues brisent le silence, by Jocelyne Richer, Éditions La Presse, ISBN: 978-2-89825-279-2.

What Women Represent: The Impact of Women in Parliament, by Erica Rayment, McGill-Queen's University Press, ISBN: 9780228020950.

TABLE 2025 INDEX

This index is in three parts: a geographical index; an index of subjects; and lists of members of the Society who have died or retired, of privilege cases, of the topics of the annual questionnaire and of books reviewed. The following regular features are not indexed: books (unless substantially reviewed), sitting days, amendments to standing orders and unparliamentary expressions. Miscellaneous notes are not indexed in detail.

ABBREVIATIONS

ACT	Australian Capital Territory;	N. Terr.	Northern Territory;
Aus.	Australia;	NWT	Northwest Territories;
BC	British Columbia;	NZ	New Zealand;
Can.	Canada;	PEI	Prince Edward Island;
HA	House of Assembly;	QLD	Queensland;
HC	House of Commons;	Reps.	House of Representatives;
HL	House of Lords;	RS	Rajya Sabha;
LA	Legislative Assembly;	SA	South Africa;
LC	Legislative Council;	S. Austr.	South Australia;
LS	Lok Sabha;	Sask.	Saskatchewan;
Man.	Manitoba;	SC	Senedd Cymru;
NA	National Assembly;	SP	Scottish Parliament;
NF & LB	Newfoundland and Labrador;	Sen.	Senate;
NI	Northern Ireland;	UP	Uttar Pradesh;
NSW	New South Wales;	Vict.	Victoria;
		WA	Western Australia.

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SUBJECT INDEX

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