

*Private Members' Business*

(Mr. Herbert) and to the parliamentary secretary, and I think I followed the argument of the parliamentary secretary to the point where he began to deal specifically with Standing Order 49 which has caused me some concern. As the hon. member has indicated, that Standing Order deals with a situation where a private member's notice of motion has been called twice from the Chair and not proceeded with, in which event it should be dropped. The parliamentary secretary is indicating that, in his judgment, that is the definitive word. I would have to agree with him, except that Standing Order 19(1) states:

Questions put by members and notices of motions, not taken up when called may (upon the request of the government) be allowed to stand . . .

I think there is a conflict there. In one case there is a direction in Standing Order 49 which is made less powerful by an exception in Standing Order 19(1). It seems to me that it may be academically historic, but it could very well be that in the course of the changes that were being made, changes were made in one section without considering that they might have had an effect on another one. So I must say that I disagree in that respect with the parliamentary secretary.

● (2212)

If Your Honour agrees with me that there is some doubt cast as a result of the differences, I think you will have to consider what course we ought to follow, and in that event if we were to go in any direction we ought to go in the direction of preserving to the greatest possible degree the rights of private members with respect to notices of motions and matters of private members' business.

I do not want it ever to be held that I am arguing that the provisions of our Standing Orders, rules and customs are perfect with respect to private members' business, and I say that for the benefit of the parliamentary secretary. There are some changes we have advocated from time to time, but having regard to the system in operation at the moment it seems to me that if this House operates at all, it operates on the basis of some reasonable consultation, and the consultation which has existed between the government House leader and the opposition with respect to private members' business has been reasonably sound.

While it may be that the unvarnished meaning of the words "upon the request of the government" in terms of allowing matters to stand should be interpreted as giving the government power and control over these matters, I think our experience in the House, at least thus far, indicates that the government has interpreted this as a vehicle for maintaining rather than abusing private members' interests. Having regard to the nature of the consultation which has gone on, I think it would be very unfortunate if we suddenly began to apply what some might call the strict letter of the law.

We do have certain customs, and one of those customs is consultation in order to facilitate the work of members who may have something standing in their names but who, because of sickness or a snowstorm—as you yourself experienced today, Mr. Speaker—may find some difficulty in coming to Ottawa at the particular time when their particular items of

[Mr. Baker (Grenville-Carleton).]

business are being called. They would otherwise lose their right to advance something about which they felt strongly enough to go to the trouble of consulting the parliamentary counsel in preparing a bill or a motion to deal with a particular matter.

I think that by strictly interpreting the rules we would not be contending with the realities of this country. The business of members takes them across the country from time to time, and certainly to their own constituencies. There is much more to Canada than just the National Capital area. The business of members also includes international meetings and conferences. I think we would be taking far too rigid a stance if we adopted even the parliamentary secretary's interpretation of Standing Order 49, which I think is far too strict, having regard to the exception which would appear to apply in Standing Order 19(1).

Mr. Speaker has dealt with this in the past. Dealing with a matter of custom he said, as reported at page 5421 of *Hansard* for May 2, 1975:

. . . the procedures which have been adopted are matters of convenience. They are a departure from the strict interpretation of the rules which would require calling, seriatim, at every private members' hour, all such items on the order paper. Initially, the very filing of private members' bills and their selection for consideration is a departure from the strict interpretation of the rules.

We do that now as a matter of custom.

● (2217)

Those departures are a matter of custom and are for the convenience of members so that we can operate with reasonable smoothness and not waste too much time on a number of technical interpretations of the rules.

If there were doubt in my mind with respect to the interpretation placed on Standing Order 49 I hope it would be resolved in favour of the continuation of the use of that phrase which has proved so useful in this House and which appears in Standing Order 19, "upon the request of the government." If the government acted with respect to private members' hour in a way that was restrictive of members' rights, it would soon become apparent to all. If there has been difficulty with a particular matter, whether it occurred because of the inability of a spokesman or a member of the government to answer—the hon. member for Assiniboia (Mr. Goodale) and I have had such negotiations from time to time—or because of the position of a member of the opposition who brought a matter forward and was inconvenienced, we were always able to come to some reasonable agreement. I do not recall anything coming out of those negotiations other than an attempt to assist the member who found himself caught short, because he was away, or because a proper answer could not be made.

I think it essential that private members' hour be considered a very important part of the parliamentary day. There are few opportunities for members in their personal capacity to advance points of view or matters of particular concern, and we ought to preserve that right to the greatest extent. I think the only way we can preserve it reasonably and honestly is by not adopting an inflexible attitude but rather by continuing in the direction we are headed.