

Points of Order

Standing Order 1 states:

In all cases not provided for hereinafter, or by other Order of the House, procedural questions shall be decided by the Speaker or Chairman, whose decisions shall be based on the usage, forms, customs and precedents of the House of Commons of Canada and on parliamentary tradition in Canada and other jurisdictions—

We would ask that you consider this standing order when making your ruling.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, the hon. member for Kindersley—Lloydminster has raised a point which I submit is not a point of order.

• (1545)

The government is entitled to call whatever business it wishes on any given day with or without notice other than notice that has to be given at six o'clock to prepare the documents. It can be changed at the last minute, right up until the time it is called. That has been the invariable practice in this House.

I recognize that the hon. member is new to this place. Had he been in the last House, he would know that it was quite common for the government to call business without proper notice, with very limited notice and frequently to change the business overnight, having announced one day what it would be to change it for the next day. We were in a constant state of flux trying to know what kind of business we conducted.

The problem is that the hon. member and the members of the opposition have been spoiled in this House because the government has been so careful in giving extensive notice in almost every case of the business it is calling.

Unfortunately today the government was not in a position to proceed with Bill C-18. It is proceeding instead with Bill C-34. I admit that it was only introduced yesterday, but it is not a complex matter. It is thick but it is not complex. The Minister of Indian Affairs and Northern Development will soon give a speech that will elucidate every nook and cranny of the bill, and I invite the hon. member to remain for that speech.

There is no point of order here.

SPEAKER'S RULING

The Speaker: I would ask all hon. members to refer to Chapter VI of the standing orders at page 23:

40.(1) All items standing on the Orders of the Day, except Government Orders, shall be taken up according to the precedence assigned to each on the Order Paper.

Then it says:

(2) Government Orders shall be called and considered in such sequence as the government determines.

Therefore I would rule that there is no point of order in this case.

I would like to make a ruling.

BILL C-216—SPEAKER'S RULING

The Speaker: During Private Members' Business on Wednesday, May 11, 1994, the hon. member for Restigouche—Chaleur raised a point of order concerning Standing Order 73 and Bill C-216, standing under his name on the Order Paper. At that time I stated that the terms of the standing order are unambiguous. It reads in part:

Immediately after the reading of the Order of the Day for the second reading of any public bill, a Minister of the Crown may propose a motion that the said bill be forthwith referred to a standing, special or legislative committee.

[Translation]

Clearly, the prerogatives of Standing Order 73 are for ministers of the Crown. For this reason, backbenchers cannot exercise them. Therefore the Chair cannot accept the hon. member's argument.

The hon. member raised a very interesting point by drawing a parallel between Standing Orders 68 and 73, definitely suggesting that an amendment to Standing Order 73 could give backbenchers the same prerogatives as the minister.

The Chair has taken this matter under advisement and is now ready to make a ruling.

[English]

Let me say at the outset that having looked at the text of Standing Order 73 and examined its context, the Chair has no doubt that the ministerial prerogative it grants applies only to government public bills. While I must concede that the phrase "any public bill" might lead to ambiguity, the Chair could not accept as appropriate the application of Standing Order 73 by a minister with reference to a private members' bill. In my view such an approach would have the practical effect of transforming a private members' initiative into an item of government business and so violate the spirit that underlies our standing orders and our practice, namely, the absolute separation of government business and private members' business.

However the suggestion of redrafting Standing Order 73 to grant to the sponsor of a private member's bill the same prerogatives with regard to that bill that a minister of the crown enjoys with regard to a government bill seems to merit further consideration. It would, as I see it, offer a means for making an item votable that would create an alternative to the existing procedure, an alternative which many members might welcome. I would therefore suggest with respect that, under the terms of this ongoing mandate to study House operations and procedure and notably, its existing responsibilities vis-à-vis Private Members' Business, the Standing Committee on Procedure and House Affairs take this matter under consideration.