

*Private Members' Business*

July 10, 1906. I quote the important parts of this standing order for discussion. Standing Order 19(1) reads as follows, and I quote:

19. (1) Questions put by Members and notices of motions, not taken up when called may (upon the request of the government) be allowed to stand and retain their precedence; otherwise they will disappear from the Order Paper. They may, however, be renewed.

And subsection (2) says and I quote:

(2) Orders not proceeded with when called, upon the like request, may be allowed to stand retaining their precedence; otherwise they shall be dropped and be placed on the Order Paper for the next sitting after those of the same class at a similar stage.

Mr. Speaker, what strikes me on reading Standing Order 19 as modified in 1906 is that subsection (1) concerns questions on the order paper and notices of motions while subsection (2) concerns orders and this is not very clear to me as orders may also mean public bills from private members. At this stage it is obvious that Standing Orders makes a distinction: subsection (1) concerns notices of motions and questions while subsection (2) concerns orders. It seems to me quite important to point out this distinction because further on, Standing Order (49) only refers to notices of motions, and does not mention at all private members' questions nor does it mention orders or bills. Section 49 is very restrictive. It is worthy of vote that when Standing Order 19 existed under the form which I just mentioned, back in 1906, Standing Order 49 did not exist as we know it today. Standing Order 49 was then very short and contained none of the present sections. In those days, Standing Order 49 read as it appears on page 166 of the manual of parliamentary procedure by Beauchesne which reads as follows:

49. A member who has made a motion may withdraw the same only by the unanimous consent of the House.

That is all Standing Order 49 said in 1906, while Standing Order 19 existed in its present form. I think that we will find the answer to our problem by asking ourselves why has Standing Order 49 been modified so as to become what it is today? When was it modified and why?

Then, Mr. Speaker, I did some research and found out that Standing Order 49 was modified during the 1926-27 session so as to read the way it appears today in the standing orders. This shows in the journals of the House of Commons of Canada for the 1926-27 session, more precisely on page 340 and 341 of the issue of Tuesday the 22nd of March. On page 340 we find a draft of the new section 49 as we know it today and which reads as follows:

(1) When a Private Member's Notice of Motion shall have been twice called from the chair and not proceeded with, it shall be dropped, provided that it may be placed at the foot of the list on the Order Paper upon motion made after due notice.

(2) If the Notice of Motion thus restored is again called from the chair and not proceeded with, it shall be withdrawn from the Order Paper.

(3) No member shall have more than one Notice of Motion at a time on the Order Paper.

(4) This Rule shall not apply to Notices of Motions for the Production of Papers.

[Mr. Pinard.]

• (2202)

This is what we have today, the same provision as Standing Order 49 we have today. So that new Standing Order was inserted in 1926-27, that is 20 years after Standing Order 19. It is interesting to read on page 341 of the *Journals* of the House of Commons, the rationale for the amendment to Standing Order 49. In order that my colleagues may also take part in the debate, I will abstain from quoting the relevant part where the reasons for the amendment are given in detail. I will simply summarize it having given the reference so Mr. Speaker can check for himself.

At that time, only 11 days were provided for private members' business. It was felt there were abuses, hon. members should have no more than one notice of motion. Some hon. members had up to four or five notices of motions, as is indicated here. There is no reference to orders or legislation, but to notices of motions only, and Standing Order 49 refers to notices of motions only. Because at that time, that is 1926-27, it was felt that with 11 days provided for private members there were abuses in allowing members to have more than one notice of motion, it was decided to allow for one notice only, and opportunity was taken to insert Standing Order 49(1) providing as follows: When a private member's notice of motion shall have been twice called from the Chair and not proceeded with implying there had been a call from the government side it shall be dropped.

This very brief summary of the history of the pertinent standing orders, the insertion of the now Standing Order 49 as opposed to Standing Order 19 as we know it, brings me to the following suggestion, resulting as I said from an intelligent reading in context of the standing orders referred to, keeping in mind the times of their passing and the reasons for doing so. I would suggest, first that a distinction must be made between orders, legislation and notices of motions. I respectfully submit that, in respect of questions on the order paper, orders or bills, Standing Order 19 alone applies, keeping in mind at all times the principle stated in Standing Order 18. In my opinion, Standing Orders 19 and 49 are exceptions to the principle governing Standing Order 18. Now Standing Order 10 alone affects questions appearing on the order paper, orders and bills, without consideration for Standing Order 49 which deals only with notices of motions. On the other hand, as far as notices of motions are concerned, the new Standing Order 49 dating from 1926-27 is applied in correlation with Standing Order 19 and this is where I partly agree with the argumentation of the hon. member for Vaudreuil (Mr. Herbert). I am inclined to agree with him only as far as notices of motions are concerned. In other words, when notices of motions are called twice and reserved at the request of the government under Standing Order 19(1), Standing Order 49 which is more recent than Standing Order 19 takes effect and clearly states that they must be withdrawn. Now if we refer to Standing Order 18, Mr. Speaker, paragraph (1) states the following:

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