

referred to in Standing Order 19(1). May I underline two or three words which I think are of consequence. It says:

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

In other words, there is an option. The option, in brackets, is "upon the request of the government". At that point it is assumed that if there is good reason, and sometimes a member might be difficult and we do not get the required unanimous consent, we have a tool in Standing Order 19(1) for the government to make this request for the benefit of the member who might be absent for quite legitimate reasons.

Hon. members are aware of Standing Order 49(1) which reads:

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.

Paragraph 2 reads:

If the notice of motion thus restored is again called from the Chair and not proceeded with, it shall be withdrawn from the Order Paper.

There is no option there. Surely under those circumstances there is no question that it may, upon the request of the government, be allowed to stand.

What concerns me at this stage with respect to private members' business is that if we could interpret Standing Order 19(1) as giving the government the power to retain items on the order paper, we also give the government the power to make the selection of what item is to be called and debated in private members' hour. I believe that use of the words "request of the government" does not give it the right to control what goes on in private members' hour.

The government may make the request and, if it conforms to Standing Order 49(1) and has not been called twice, presumably at that time we do not need to have unanimous consent. However, if the order has been called two or three times and at that point, even with the request of the government, unanimous consent from the House is not forthcoming, I suggest the item should then be dropped from the order paper. Obviously it could be resurrected by the hon. member and placed on the order paper if he so wished. The point is not to interfere with the items that are going to be discussed. There is usually agreement. It is working out very well except in unusual circumstances.

May I point out an unusual circumstance a short time ago at the end of the last session when, unfortunately, a member was not ready to proceed? We had to go to the next motion on the order paper, which happened to be one of mine. The government did not want it discussed so the House was adjourned. There was a call for the bells and the adjournment motion carried. Once again the government was deciding what items were going to be discussed in private members' hour. I suggest that was not the intention of the Standing Orders.

Although I am happy that agreement is made on the items that are to be discussed, I do not think there is anything in the Standing Orders that requires us, the members, to accept that

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items may remain on the order paper for more than the two times they are called, unless we, the members, give unanimous consent for those items to remain. That is the basis of my argument, Mr. Speaker.

● (2152)

[*Translation*]

**Mr. Yvon Pinard (Parliamentary Secretary to President of the Privy Council):** Mr. Speaker, I was happy to hear the hon. member for Vaudreuil (Mr. Herbert) say at the beginning of his intervention that in his opinion the problem did not lie in the choice of discussion matters, but I am somewhat confused by his ulterior observations because he used the word "control" in describing the part played by the government in choosing discussion subjects.

I would like to tell the House that the practice these last few years shows no evidence of government control in the choice of bills to be studied, far from it. The government simply helps the members of parliament to act in a rational manner during the private members' hour. This is also helpful to the members because the government has the administrative facilities to help them, through simple courtesy and also to conform to the provisions of Standing Order 18 which states that each item will be taken up according to its precedence on the order paper. This practice is well known and I do not want to go over it again. At this stage of my argument, Mr. Speaker, I shall simply refer to comments made by one of my predecessors in the position of parliamentary secretary to the President of the Privy Council on May 11, 1976. These comments are reported on page 13410 of *Hansard* as follows:

All I want to indicate, Mr. Speaker, is that we attempt to provide to hon. members as soon as practicable those items which will be dealt with in the next session, first contacting the individual members who have priority in order to determine whether they will be available and whether they wish to proceed with a particular item of business. Having ensured that a member will be here to debate the item of business, we communicate with the interested parties, including the government. Then we set the matter down and advise all hon. members of the matter that is going to be debated on a given day.

Mr. Speaker, I submit that the answer to the interesting problem raised by the hon. member for Vaudreuil resides in an intelligent reading of relevant Standing Orders of the House, and not only in a reading of these Standing Orders, but also in an examination of the moment when those rules were passed and the reasons behind them. The relevant rules are Standing Orders Nos. 18, 19 and 49. Now, Standing Order 18 establishes the general rule, and I quote:

(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, this is the general principle which covers the matters relating to private members' business. This relates to notices of motions as well as to orders or bills. We then come to Standing Order 19 which is relevant. Now, Standing Order 19 was amended in 1906 as appears in Beauchesne's *Parliamentary Rules and Forms* to read as it reads today. Therefore, the present provisions of Standing Order 19 are similar to those which existed in 1906. This appears obviously on page 74 of Beauchesne where we find Standing Order 19 as amended on