

Privilege—Mr. Gauthier

there is nothing to prevent the House from making a specific reference to a committee even if that committee has an open mandate.

All items of Private Members' Business which were entered in the draw were previously examined and found to be in order. The motion of the Hon. Member for Peterborough which was successful in the draw reads as follows:

That the Standing Committee on Justice and Solicitor General be empowered to study and report on the arguments for and against capital punishment giving consideration to allowing the question of capital punishment to come to a free vote in the House.

● (1110)

If the House were to adopt this motion, the matter would be referred to the Justice Committee. It cannot be assumed that without such a reference the committee would launch such an investigation. If the criterion I have referred to were to pass unquestioned, there would be numerous motions which would never stand a chance of being selected by the Private Members' Business Committee.

Most new procedures pose difficulties which had not previously been anticipated. The House is the master of its own procedure and can therefore change any with which it is not satisfied. The new procedures relating to Private Members' Business, among others, are provisional in their application because the House wanted to see how they would work before confirming them on a permanent basis. The complaint of the Hon. Member for Peterborough, and the discussion which ensued upon it, clearly demonstrated to my satisfaction that there are aspects of these new procedures which need to be reconsidered. My point, however, is that this is a procedural matter which requires a procedural solution.

In summing up I would say that the Chair appreciated the concerns expressed by the Hon. Member for Peterborough and other Members participating in the discussion. I have to rule though that the matter complained of relates to procedure rather than privilege. However, I would call upon the Standing Committee on Elections, Privileges and Procedure to give early attention to this matter and treat it with the priority it merits.

The new Standing Orders governing Private Members' Business are provisional and the time to deal with this problem is now. I am sure that I speak on behalf of all private Members when I express the hope that an early solution will be found.

I want to thank all Hon. Members who contributed to the debate. I want to emphasize that it is the view of the Chair that this matter is serious, that there are other serious matters coming from the consequences of reform and it is the Chair's very fervent wish that Hon. Members and the appropriate committee take cognizance of the remarks that I have made today and treat the matter with the urgency which I think all Hon. Members feel is necessary.

[Translation]

PRIVILEGE**THE RIGHT OF MEMBERS TO HAVE QUESTIONS BEFORE THE HOUSE PUT TO A VOTE**

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, yesterday evening at 5.45 p.m., the Chair accepted a motion moved by the Hon. Member for Churchill (Mr. Murphy), seconded by the Hon. Member for Kamloops—Shuswap (Mr. Riis), that the House proceed to introduction of Bills, and the Deputy Speaker called in the Members. As is customary, at one or two minutes to six the Government Whip and myself marched up to the Table, bowed to the Chair and at that very moment, the Deputy Speaker said:

It being 6 p.m., the proceedings on the motion before the House have lapsed and pursuant to Standing Order 9(1), the House stands adjourned until tomorrow at 11 a.m., pursuant to Standing Order 3(1).

Mr. Speaker, I am not implying that the Deputy Speaker ignored us or did not see us. He did see us, and I think that when he did, he probably took the advice of the Clerk and used Standing Order 9(1) to adjourn the House because it was six o'clock.

I submit, with respect, that this seems to be an excessively broad interpretation of our Standing Orders, and also that, unlike other countries and other parliamentary institutions, including Great Britain, which has served as a model for many of our practices and traditions, we in this country have the Constitution which indicates in Section 49 that any matter, and I am paraphrasing . . . Perhaps I could read the section since I have it here. I suppose it would be better for me to read it.

This is Section 49 of the British North America Act, which reads as follows:

49. Questions arising in the House of Commons shall be decided by a Majority of Voices—

The Chair will not vote unless there is a tie. In that case, the Chair must vote. And that is in our country's Constitution, Mr. Speaker. Yesterday evening, the House was asked to vote on a motion that had been accepted and certified correct, and as is customary, the Whips went up to the Table, as I said before, but the Deputy Speaker did not see us and he adjourned the House.

Mr. Speaker, I realize that the answer I will get is that there have been precedents since the notorious two-week long bells' incident, when the Speaker was reluctant to put the question because the Whips would not enter the House.

[English]

In the Fifth Edition of Beauchesne Citation 217 is citation. In part it reads:

The signal for taking the division is the return of the Government Whip and the Opposition Whip. The Whips march up the aisle and bow to the Speaker before returning to their seats. The Sergeant-at-Arms remains by the Bar, also bowing to the Speaker before resuming his seat. The Speaker then calls the House to order, rises and reads the question—