

HOUSE OF COMMONS

Thursday, December 4, 1986

The House met at 11 a.m.

[English]

PATENT ACT

NOTICE OF MOTION PURSUANT TO S.O. 57

Hon. Don Mazankowski (Deputy Prime Minister and President of the Privy Council): Mr. Speaker, I rise to give the House notice that at the next sitting of the House, immediately before the order of the day for resuming debate on Bill C-22 standing in the name of the Minister of Consumer and Corporate Affairs (Mr. Andre), I shall be moving a motion that the debate shall not be further adjourned pursuant to Standing Order 57.

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BUSINESS OF THE HOUSE

Hon. Don Mazankowski (Deputy Prime Minister and President of the Privy Council): Mr. Speaker, also I should like to advise the House that for the purposes of fulfilling the requirements under Standing Order 82(5) and Standing Order 82(9), the Government considers that yesterday was the fulfillment of an allotted day.

Mr. Gauthier: Mr. Speaker, I rise on a separate point of order. We were witnesses yesterday to a procedure which I find difficult and of which I should like to apprise the Speaker. I gave notice of it this morning—

Mr. Speaker: Order, please. I advise Hon. Members that the Hon. Member for Ottawa—Vanier (Mr. Gauthier) has given me notice of the point which he wishes to raise. I ask him to do the Chair the courtesy of waiting for a few minutes, because I want to give a ruling on a matter which I think is of great importance to the Chamber and to the workings of Parliament. I will hear the Hon. Member shortly.

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PRIVILEGE

PRIVATE MEMBERS' BUSINESS—COMMITTEE DECISION ON
VOTABLE ITEMS—SPEAKER'S RULING

Mr. Speaker: Hon. Members will remember that on November 19 a question of privilege was raised by the Hon. Member for Peterborough (Mr. Domm). The Hon. Member

expressed himself very forcefully and made it clear that he felt a deep sense of grievance, not only on his own behalf but on behalf of private Members on both sides of the House. It was also made clear during the discussion that his feelings are shared by other Hon. Members.

The Hon. Member for Burlington (Mr. Kempling), who is Chairman of the Standing Committee on Private Members' Business, and other members of the committee made useful contributions to the discussion which clarified for us some of the problems faced by the committee and the approach the committee has been taking in the discharge of its functions.

The House is operating under a number of new procedures, those relating to Private Members' Business being among the most significant. The concept of the Standing Committee on Private Members' Business and the special responsibilities conferred on it are both new and original. There are no precedents to guide the committee. It has a very unusual power—and I stress that it has a very unusual power—in that its decision with regard to the selection of items of business which must come to a vote cannot be challenged. When embodied in a report which is presented to the House, that report is deemed adopted by the House. The committee, therefore, plays a very important role in safeguarding the rights of private Members.

There is a procedural point which I should perhaps clarify before proceeding any further. The items selected by the committee from those in the order of precedence resulting from the draws which take place throughout the session are commonly referred to as "votable items". The fact is that all items in the order of precedence are votable if the House is disposed to reach a decision on them during the time allocated to debating them.

The difference between the items selected by the committee and the other items in the order of precedence is that the former are guaranteed to come to a vote, provided nothing intervenes to prevent it, such as the prorogation of Parliament. They are therefore privileged items. The committee must determine, in accordance with a set of criteria which it has adopted and published in a report, how the selection is made. This is a crucial responsibility. It is not for the Chair to dictate to the committee how it should discharge its responsibilities.

However, the Hon. Member for Peterborough raised an important question: Is it appropriate to use as a criterion the possibility that another committee might take the initiative of investigating the subject matter of a Bill or motion which happens to fall within its mandate? There is no guarantee that a committee will take the necessary initiative. Furthermore,