

# *What's Happened Under the New Rules?*

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*Lynn McDonald's anti-smoking bill was given Royal Assent on June 28, 1988, and has created new interest in the work of Private Members in the Canadian House of Commons. Lobbyists are revising their tactics; bureaucrats are reviewing their practices. Indeed, political scientists will be questioning their assumptions about influence in the policy-making process.*

*Bill C-204, the Non-smoker's Health Act, went through every step of the new procedures for Private Members' Business. Having been duly placed on notice, it was successful in the draw for establishing an order of precedence for debate. It was chosen as a "votable" item by the Standing Committee on Private Members' Business, was given second reading after the full five hours of debate allowed, was scrutinized carefully and amended by a legislative committee, and was finally passed by the House after a further two hours of debate provided by the new rules. According to newspaper accounts, the outcome of the final vote was uncertain to the very end.*

*What has been happening since new Standing Orders came into effect early in the 33rd Parliament? Is Lynn McDonald's bill unique, or are we seeing evidence of real change in the role of the Private Member of Parliament?*

**P** rivate Members' Business consists of motions and bills presented to the House by Members of Parliament who are not ministers in the government. They are listed in the Order Paper in a special section devoted to Private Members' Business and are debated in the House four times a week according to an order of precedence established by draw.

Bills address any subject within federal jurisdiction as long as they entail no expenditure of public funds. Motions are limited in scope in that they cannot order the government to take action; rather, they result in an expression of opinion by the House. Since the government alone controls taxing and spending, much Private Members' Business is dedicated to matters of social or ethical import such as the environment, disarmament, and abortion. Other subjects include issues of

regional concern, or call for government action to better the lot of such groups as farmers and senior citizens.

Based on the McGrath Committee's recommendations for reform of the Standing Orders, new rules were established during the first session of the present Parliament. The main change is that at any time in the projected order of business there can be up to six motions and bills which are designated by a new Standing Committee on Private Members' Business to be "votable". Thus, although a large amount of Private Members' Business can still be "talked out" after a single hour of debate, at least some will be decided by the House after a maximum of five hours' deliberation.

Interested Members and staff, students, press and the public are wondering what's happening in Private Members' Business since the change. They ask: How many MPs take

advantage of the new rules? Who are they? What subjects do they address? Have any new bills passed? How many motions have been debated and how many adopted? In an attempt to answer some of these questions in a descriptive manner, this paper focuses on what has happened during most of the second session of the 33rd Parliament (October 1, 1986 - June, 30 1988).

A Member of Parliament may place on notice any number of motions and bills. In practice, some Members put forward several while others offer none. The *Order Paper* dated March 21, 1988, as an example, listed 115 motions (68%) and 53 bills (32%) for a total of 168 items.

Setting aside the Speaker and ministers of the Crown, there are 242 Private Members: 168 PCs, 39 Liberals, 32 in the New Democratic Party, and 3 Independents.

TABLE 1

Private Members' motions and bills by party

	Motions	Bills	Total	%
Ind.	1	-	1	1
P.C.	38	21	59	35
Lib.	50	13	63	37
N.D.P.	26	19	45	27
<b>Total</b>	<b>115</b>	<b>53</b>	<b>168</b>	<b>100</b>

As shown in Table 1, Members from all parties take part in Private Members' Business. The number of motions and bills together is fairly evenly divided among the three parties. It appears, however, that PC and Liberal Members prefer motions over bills. In some cases, Members have one or two motions or bills on notice, in others many more; indeed, thirty-one of the Liberal motions are in the name of Charles Caccia, whose interest in environmental matters is well-known.

TABLE 2

Number of items per MP

MPs	Items
41	1
17	2
2	3
2	4
1	5
4	6
1	9
1	10
1	31

Of the 70 MPs involved, (apart from Mr. Caccia) more than half have one, approximately one-quarter have 2, and the rest have between 3 and 10 motions or bills entered in the process.

A draw takes place every two or three weeks to determine which of these will be debated in the House during the Hour for Private Members' Business.

Once drawn, these motions and bills are examined by the new Standing Committee on Private Members' Business whose members are charged with designating, from any twenty in the order of precedence, a maximum of six which must come to a vote. Between October 1, 1986 and June 30, 1988, the Committee had reviewed 122 motions and bills.

TABLE 3

Designated "votable" by the Standing Committee on Private Members' Business

(As of June 30, 1988)

	Designated	Non designated	Total
Motions	13	64	77
Bills	8	37	45
<b>Total</b>	<b>21</b>	<b>101</b>	<b>122</b>

Table 3 shows that almost twice as many motions as bills were made available to the Committee by random draw, and a similar proportion were in fact designated "votable" by the Committee. Once again it may be of interest to note that, of the 21 "votable" items, 10 were in the name of PC Members, 6 were Liberal and 5 NDP.

The Hour for Private Members' Business takes place every Monday, Tuesday and Thursday from 5:00 p.m. to 6:00 p.m. and on Friday from 2:00 p.m. to 3:00 p.m. under normal circumstances, and the order in which the motions and bills are debated is established by the draw. Theoretically, then, Members should be able to calculate exactly when a certain motion or bill will be debated and adjust their schedules accordingly. In practice, however, the terms of Standing Order 38 make the timetabling of Private Members' Business unpredictable, with cancellations for opposition days, budget debates, emergency debates, etc.. Recognizing that a rigid schedule was unworkable, the House amended the new Standing Orders in order to allow the Speaker to arrange exchanges in the order of precedence for debate of the motions and bills which have not been designated "votable".

Even so, as can be seen in Table 4 (below), the disruptions to Private Members' Business are significant. Of the total number of Hours for Private Members' Business potentially available on normal sitting days, only 63% in fact took place.

TABLE 4

Cancellations pursuant to S.O. 38

Total Potential Hours	Cancellations for allotted days	Cancellations for other reasons	Hours of debate
202 (100%)	44 (22%)	31 (15%)	127 (63%)

Forty-four times, expected debates were postponed because of opposition days. Both the Standing Committee on Private Members' Business and the Standing Committee on Elections, Privileges and Procedure have recommended

debate. It is important to notice that not only those motions and bills designated "votable" by the Standing Committee on Private Members' Business can actually be decided. In fact, as the table shows, 6 motions and bills which were not designated votable were agreed to before the hour for debate had expired otherwise causing them to be dropped from the Order Paper without a decision.

Lynn McDonald's Bill C-204, the *Non-smokers' Health Act*, is one of six bills which have been referred to a legislative committee for clause-by-clause consideration after second reading during the period under review here; after intensive scrutiny, it returned to the House for report stage and third reading. Another was Bob Pennock's Bill C-254, *An Act to amend the Citizenship Act (period of residence)*. Bill C-254 passed all stages in the Senate and received Royal Assent December 17, 1987. Bill C-273, *An*

TABLE 5

Status of all items in the House

(As of June 30, 1988)

Motions	Talked Out	Defeated	Withdrawn	In Committee	Report Stage	Adopted	Total
Designated "votable"	—	4	—	—	—	7	11
Non-designated	53	—	2	—	—	5	60
<b>Bills</b>							
Designated "votable"	—	2	1	1	1	1	6
Non-Designated	26	—	7	0	2	1	36
<b>Total</b>	<b>79</b>	<b>6</b>	<b>10</b>	<b>1</b>	<b>3</b>	<b>14</b>	<b>113</b>

changes in the Standing Orders to resolve this problem, but no action has been taken by the House.

When a recorded division was demanded the first time after the new rules came into effect, the Chief Opposition Whip (Jean-Robert Gauthier) rose on a point of order to suggest that names be called by rows commencing with Members of all parties who were in favour of the motion, rather than following the usual practice of recognizing Members by party. Subsequent recorded divisions on Private Members' Business have been called in this manner as well. The subjects of these votes were as diverse as abortion, parity prices for farm products, declaring Canada a nuclear arms free zone and a proposal for a Royal Commission on Organized Crime.

Nearly two years have passed since the new rules took effect. Table 5 displays the results of debate during the Hour for Private Members' Business in the House from October, 1986 to June 30, 1988. It includes only those disposed of, and not those still marshalled in the order of precedence for

*Act respecting political rights of public employees* awaited debate at the report stage at the end of June. Following it in the order of precedence for debate at the report stage were Bill C-264, *An Act to amend the Criminal Code* (instruments and literature for illicit drug use); C-205, *An Act to protect heritage railway stations*; and C-210, *An Act to amend the Blue Water Bridge Authority Act*. Bill C-259, *An Act to extend the term of a patent relating to a certain food additive*, was debated at second reading, considered in Committee of the Whole and given third reading all on the same day. That bill was subsequently withdrawn after the Senate proposed amendment to it.

This report is simply an attempt to describe briefly how the new system is working. It would be interesting to know how the Members themselves feel about it. Perhaps their comments could be compiled as a follow-up either in the next few months or after Members have had an opportunity to assess Private Members' Business in the next Parliament. ♦