



## PRIVATE MEMBERS' BUSINESS

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## BACKGROUND

Each sitting day, one hour is set aside for Private Members' Business, that is, for the consideration of bills and motions presented and sponsored by private Members. "Private Members" are generally defined as Members of the House of Commons who are not part of the Ministry, including Parliamentary Secretaries. The Speaker and the Deputy Speaker do not participate in Private Members' Business.

Private Members may use the time allotted for the consideration of Private Members' Business to put forward their own legislative and policy proposals, and express their views on a variety of issues.

Private Members' proposals can take the form of a bill (either public or private), a motion, or a notice of motion for the production of papers.

Bills sponsored by private Members fall into two categories: public bills and private bills. Public bills deal with matters of public policy under federal jurisdiction, whereas private bills concern matters of a private or special interest to specific corporations and individuals.

A private Member's bill is typically drafted with the assistance of House of Commons Parliamentary Counsel (Legislation) to ensure that the text conforms to statutory law. Most private Members' bills are public bills originating in the Commons, but some public bills, and occasionally private bills, sponsored by private Members come to the Commons from the Senate.

A private Member's motion typically proposes that the House declare its opinion on some topic or that the House order a certain course of action to be taken, either by the House itself or by one of its committees or officers.

A notice of motion for the production of papers is a request that the Government table or produce certain papers or documents in the House.

Unlike items of government business, pursuant to Standing Order 86.1, items of Private Members' Business continue from session to session, that is they are automatically reinstated at the stage they had completed at the time of prorogation. This means that the List for the Consideration of Private Members' Business and the Order of Precedence continue from session to session as well. However, as with other types of business, items of Private Members' Business cease to exist with the dissolution of Parliament and must be resubmitted for consideration once a new House of Commons commences sitting.

## DETAILED ARTICLES

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### Private Members' Bills – Notice, Introduction and First Reading

### Motions

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### Order of Precedence

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### **Time Limits on Debates on Items of Private Members' Business**

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## **PRIVATE MEMBERS' BILLS**

There is a constitutional requirement that bills proposing the expenditure of public funds must be accompanied by a Royal Recommendation, which can only be obtained from the Government and presented by a Minister. A private Member may introduce a public bill containing provisions requiring the expenditure of public funds, provided that a Royal Recommendation is obtained by a Minister before the bill is read a third time and passed. Private Members' bills may not create, increase or extend taxes but bills that reduce a tax, or impose or increase an exemption from taxation, are acceptable.

If a Member submits notice of a bill that is judged to be substantially the same as another item of Private Members' Business already submitted, the Speaker has the discretionary power to refuse the most recent notice and the item is returned to the Member.

As provided in Standing Order 86(3), no more than 20 Members may jointly second an item under Private Members' Business.

A Member must give 48 hours' notice of his or her intention to introduce a bill, indicating the committee to which the bill will be referred following second reading.

On the day the Member chooses to introduce the bill, he or she rises during Routine Proceedings when the Speaker calls "Introduction of Private Members' Bills". The Speaker announces the title of the bill and the motion for leave to introduce it. The Member sponsoring the bill is then permitted to give a brief explanation of its purpose, without engaging in debate. The motion for first reading is then deemed carried, without debate, amendment or question put.

### **DETAILED ARTICLES**

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#### **Private Members' Bills – Notice, Introduction and First Reading**

#### **Second Reading and Referral of a Bill to Committee [Legislative Process]**

#### **Private Members' Bills – Committee Stage of Bills**

#### **Private Members' Bills – Report Stage and Third Reading of Bills**

#### **Financial Limitations for Private Members' Bills**

#### **Votable and Non-Votable Items of Private Members' Business**

#### **Senate Public Bills**

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## **MOTIONS**

Private Members' motions are used to introduce a wide range of issues and are framed either as orders or resolutions, depending on their intent. Motions that propose a declaration of opinion or purpose, without ordering or requiring a particular course of action, are considered resolutions. The Government is not bound to adopt a specific policy or pursue a course of action as a result of the adoption of such a resolution since the House is only stating its opinion or making a declaration of purpose.

No motion sponsored by a Member who is not a Minister can contain provisions for either raising revenue or spending funds, unless it is worded in terms that only suggest a certain course of action to the Government. A private Member may choose to move a motion proposing the expenditure of public funds as an alternative to a bill that might require a Royal Recommendation, provided that the terms of the motion only suggest this course of action to the Government without ordering or requiring it to do so.

### **DETAILED ARTICLES**

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#### **Motions**

#### **Notices of Motions for the Production of Papers**

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## NOTICES OF MOTIONS FOR THE PRODUCTION OF PAPERS

Members may choose to give notice of a motion requesting that certain papers or documents be compiled or produced by the Government and tabled in the House. Notices of motions for the production of papers resemble written questions in that they are requests for information from the government.

A motion of this type, if adopted, becomes either an order that the Government table certain documents in the House or an Address to the Governor General requesting that certain papers be sent to the House. An Order of the House is used to obtain papers concerning matters directly related to federal departments or the business of the House. An Address is required for correspondence between federal and provincial governments, federal and foreign governments, the federal government and any company, corporation or individual, Orders-in-Council, and papers concerning royal commissions, the administration of justice, the judicial conduct of judges or the exercise of Crown prerogatives.

### DETAILED ARTICLE

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#### Notices of Motions for the Production of Papers

## LIST FOR THE CONSIDERATION OF PRIVATE MEMBERS' BUSINESS AND THE ORDER OF PRECEDENCE

The Order of Precedence consists of the items of Private Member's Business that are scheduled for debate in the House.

At the beginning of a Parliament or sometimes during the course of a Parliament, the names of all Members are placed in a random draw to establish a List for the Consideration of Private Members' Business.

The Order of Precedence is established by transferring to it the names of the first 30 eligible Members on the List for the Consideration of Private Members' Business. In order to have their names transferred to the Order of Precedence, each Member must have an eligible item on the *Order Paper* or the *Notice Paper*.

After the transfer of the first 30 names, the Order of Precedence is replenished when necessary by adding the names of the next 15 Members on the List, who have an eligible item.

The List for the Consideration of Private Members' Business and the Order of Precedence continue from session to session, pursuant to Standing Order 86.1.

### DETAILED ARTICLES

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#### Order of Precedence

#### List for the Consideration of Private Members' Business

#### Items automatically placed on the Order of Precedence

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## VOTABLE AND NON-VOTABLE ITEMS

All items of Private Members' Business are votable by default. A Member who does not want his or her item to be votable must inform the Clerk in writing within two sitting days of their name being placed on the Order of Precedence.

The Subcommittee on Private Members' Business may decide that a particular item should not be votable. If the sponsor of the item disagrees with the Subcommittee, he or she has an opportunity to appear before the Standing Committee on Procedure and House Affairs to present his or her arguments. A Member may also give notice within five sitting days of his or her intention to substitute another item of Private Members' Business for the item designated as non-votable.

### DETAILED ARTICLES

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#### Votable and Non-votable Items of Private Member's Business

#### List for the Consideration of Private Members' Business

#### Items automatically placed on the Order of Precedence

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## PRIVATE MEMBERS' HOUR

Private Members' Business is considered for one hour every sitting day. At the beginning of a Parliament, Private Members' Business is suspended until an Order of Precedence has been established. The Order of Precedence must be established no later than the 20th sitting day following the establishment of the List for the Consideration of Private Members' Business. Private Members' Business may begin shortly thereafter.

The Speaker must give Members at least 24 hours' notice before an item on the order of precedence can be considered. This notice is published in the *Notice Paper*, in conformity with Standing Order 94(1)(a). During Private Members' Hour, items on the Order of Precedence are considered in the order in which they are listed and normally only one item is considered each day.

### DETAILED ARTICLES

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#### Scheduling of Debate

#### Exchanges

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## TIME LIMITS ON DEBATES ON ITEMS OF PRIVATE MEMBERS' BUSINESS

Votable private Members' bills and motions are entitled to two hours of debate. Non-votable items, including those on which an appeal was lost, receive only one hour of debate. The Standing Orders set out specific time limits for dealing with Private Members' bills after second reading.

Notices of motions for the production of papers may be debated for up to two hours, including a final five-minute speech by a Minister or Parliamentary Secretary followed by a five-minute closing statement by the mover of the motion.

### DETAILED ARTICLES

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#### Time Limits on Debates on Items of Private Members' Business

#### Debate on Items of Private Members' Business

#### Notices of Motions for the Production of Papers

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## VOTES ON ITEMS OF PRIVATE MEMBERS' BUSINESS

When the time for debate on a votable item has expired, the Speaker puts the question on the item to the House. If a recorded vote is requested by at least five Members, it is automatically deferred to the next Wednesday that the House sits.

Recorded votes on Private Members' Business are taken row-by-row, starting with the sponsor, and then moving to the back row on the sponsoring Member's side of the House.

### DETAILED ARTICLES

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#### Votes on Items of Private Members' Business

#### Notices of Motions for the Production of Papers

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## MORE INFORMATION – PRIVATE MEMBERS' BUSINESS

*House of Commons Procedure and Practice*, Robert Marleau & Camille Montpetit, (2000)

Chapter 21, Private Members' Business

Chapter 16, The Legislative Process

[\*Standing Orders of the House of Commons\*](#)

Chapter XI, Private Members' Business

*Private Members' Business – Practical Guide*

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Find this and other articles on House of Commons procedure by visiting the *Compendium of Procedure* Web site at <http://www.parl.gc.ca/compendium-e>.

For further information about the procedures of the House of Commons, please contact the Table Research Branch at (613) 996-3611 or by e-mail at [trbdrb@parl.gc.ca](mailto:trbdrb@parl.gc.ca).

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