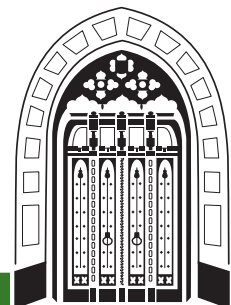




HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

*Private*  
*Members' Business*  
*Practical Guide*

OCTOBER 2008





## THE HOUSE OF COMMONS STONE

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This sculpture, known as a “haut-relief”, graces the House of Commons Chamber and was co-designed by Eleanor Milne and Maurice Joannis and carved by Maurice Joannis. The base stone – which portrays an election campaign – was designed and carved by Maurice Joannis. The entire haut-relief was installed on the west wall of the Chamber in 1985.

The artwork symbolizes the elected House of Commons. On top is a mythical figure – a Janus – who is addressing the present as well as looking back in time and forward to the future. The two figures in tilted oval frames represent the Leader of the Opposition on the right; and on the left, the leader of the governing party who is, of course, the Prime Minister. On the left and right hand sides of the image are twenty elected representatives composing a quorum – the minimum number of Members required to constitute a meeting of the House. In the centre towards the bottom of the image sits the Speaker, the spokesperson and presiding officer of the House; at the top stands the Sergeant-at-Arms with the Mace in hand prepared to maintain order. In the centre of the image stands the Clerk, the custodian of the records of the institution, and adviser to all Members, and in particular, the Speaker.

*The House of Commons Stone* is one of a series of twelve haut-reliefs depicting, in a symbolic and story form, the federal roles and responsibilities arising out of the *British North America Act*. They are all found in the Commons Chamber.

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*Private*  
*Members' Business*

*Practical Guide*  
*(Ninth Edition)*

OCTOBER 2008





**Private Members' Business Office**  
**House of Commons**  
**Ottawa, Canada**

Published under the authority  
of the Clerk of the House of Commons

First Edition — January 1988  
Second Edition — January 1992  
Third Edition — November 1993  
Fourth Edition — April 1996  
Fifth Edition — June 1997  
Sixth Edition — January 2001  
Seventh Edition — November 2004  
Eighth Edition — September 2005  
Ninth Edition — October 2008  
Cat. No. X9-22/2008  
ISBN 978-0-662-06199-1





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## FOREWORD

THIS HANDBOOK IS INTENDED TO EXPLAIN IN A CLEAR AND CONCISE MANNER BOTH THE RULES GOVERNING PRIVATE MEMBERS' BUSINESS AND THE PROCESS BEHIND THOSE RULES so that Members and their staff can take full advantage of the opportunities available to them under Private Members' Business.

The handbook also provides a list of the services of the House of Commons which can assist Members with the various details of the procedures described in this guide.

The Private Members' Business Office hopes that Members and their staff will find in this guide the information and guidance needed to answer most of their related questions. Any comments or suggestions for improving this guide would be greatly appreciated. For further information, the Private Members' Business Office may be reached by e-mail at [pmb-aed@parl.gc.ca](mailto:pmb-aed@parl.gc.ca) or by phone at 613-992-9511.







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## WHAT IS PRIVATE MEMBERS' BUSINESS?

Private Members' Business consists of bills and substantive motions presented by Members of Parliament who are not Ministers of the Crown or Parliamentary Secretaries. The Speaker and the Deputy Speaker are also excluded from Private Members' Business.

Like a government bill, a **private Member's bill** is a piece of draft legislation which is submitted to Parliament for approval and possible amendment before it can become law. Most private Members' bills originate in the Commons, but some private Members' bills are sent to the Commons from the Senate. Strictly speaking, private Members' bills are public bills, but private bills are also considered under Private Members' Business, since they must be sponsored by private Members. (*Senate bills and private bills are discussed on pages 19 and 20.*)

A **private Member's motion** is usually a draft resolution which, if adopted, becomes an expression of the opinion of the House. Motions are also used to introduce resolutions for amending the Constitution.

A **motion for the production of papers** is a special type of motion asking the government to table a document or documents in the House; when transferred for debate, a motion for the production of papers falls under Private Members' Business.



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## HOW DOES PRIVATE MEMBERS' BUSINESS WORK?

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### STEP ONE:

#### PREPARING A BILL OR A MOTION

[STANDING ORDER 86]

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Private Members' Business begins with the idea of a Member of Parliament. To give effect to that idea, the Member must decide whether to put it in the form of a bill or a motion. Only then can it be debated in the House.

Before beginning work on a bill or motion, however, the Member may find it worthwhile to check whether another Member has already given notice of a bill or motion on the same subject. The Journals Branch, on behalf of the Speaker, is responsible for ensuring that no two items on the *Order Paper* are substantially the same. If notice has already been given for substantially the same bill or motion, the Member may ask the Journals Branch to record his or her name as a seconder (i.e. a supporter) of the bill or motion. Up to 20 Members may be listed as joint seconds of any one item. The Member who seconds the bill or motion in the House does not need to be one of the joint seconds on the *Order Paper*.

In deciding between a bill and a motion, the first difference to keep in mind is in their effect. Since in agreeing to a motion expressing a resolution, the House is only stating an opinion, the government will not be bound to adopt a specific policy or course of action. By contrast, because it becomes law when passed by Parliament, a bill may have far reaching implications for both the government and the public.

Bills and motions are also treated differently by the House. Once debated and voted on, a motion has been disposed of by the House; the House may agree to the motion, or the motion may be defeated, but either way it receives no further consideration. Bills, on the other hand, must pass through several stages: introduction and first reading, second reading, committee stage, report stage, and third reading in the House of Commons, then a similar process in the Senate. The period between introducing a bill and seeing it become law may therefore be lengthy.

The differences between bills and motions mean that different considerations must also go into drafting them. Although Members may not always need expert help in drafting motions, either the

**STEP ONE:****PREPARING A BILL OR A  
MOTION***[STANDING ORDER 86]*

Private Members' Business Office or the Journals Branch is available to assist in putting their ideas into correct parliamentary language. A motion expressing a resolution is usually worded as follows: "That, in the opinion of the House, the government should", followed by a clear and succinct statement of the course of action the Member wishes to see adopted. Motions may propose the expenditure of public funds, provided that they do so in terms which only suggest that course of action to the government without ordering or requiring it. Resolutions to amend the Constitution are, however, in a special class and should be treated like bills as far as drafting is concerned.

Because it could become law, a bill must be drafted with great care and the skills of experienced parliamentary counsel are normally called for. The Legislative Services Section of the Office of the Law Clerk and Parliamentary Counsel is responsible for drafting bills for private Members and acts on their instructions about the purposes and objectives of their legislative proposals. Legislative drafting services are provided by lawyers who are qualified parliamentary counsel.

The parliamentary counsel needs clear written instructions regarding the policy direction the Member wants to pursue with the proposed legislation. The Member must also inform the parliamentary counsel of the facts and practical background of a problem before a viable solution, in the form of a bill, can be formulated. Preparing a bill is often a team effort, engaging the time and efforts of the sponsoring Member, the parliamentary counsel, and any research assistance or technical expertise that may be available to the Member.

There is a constitutional requirement that a bill for the appropriation of any part of the Public Revenue for a new and distinct purpose be accompanied by a Royal Recommendation. The recommendation is made by the Governor General and may be obtained only by the government and introduced by a Minister. In developing legislative proposals, Members should bear in mind that bills containing specific provisions or clauses authorizing such charges will require a Royal Recommendation before they can be passed by the House. Members may not present bills involving an increase in taxation since such bills must be preceded by a Ways and Means motion, which can be moved only by a Minister.

**STEP ONE:****PREPARING A BILL OR A  
MOTION**  
*[STANDING ORDER 86]*

All private Members' bills must be certified by parliamentary counsel before being introduced in the House. The parliamentary counsel ensures that draft bills are acceptable insofar as their form and that they comply with legislative conventions. After the draft bill has been approved by the parliamentary counsel, two certified copies are returned to the Member along with a form on which the Member will indicate to which committee the bill will be referred following its adoption at second reading.

**STEP TWO:****GETTING ON THE  
ORDER PAPER**  
*[STANDING ORDER 54]*

Once a bill or motion has been drafted, the Member must give 48 hours' notice of his or her intention to introduce the bill or move the motion. For a motion, this is done either by sending the signed text of the motion to the Journals Branch or by using the E-Notice system (available at <http://prismextra.parl.gc.ca/enotice>). For a bill, this is done by sending to the Journals Branch a signed original of the bill (duly certified by a parliamentary counsel) along with the form indicating the committee to which the bill will be referred. In order to appear in the next *Notice Paper*, notices must be received before 6:00 p.m. on Mondays through Thursdays and before 2:00 p.m. on Fridays when the House is sitting. When the House is adjourned, any such notice may be filed with the Journals Branch before 6:00 p.m. on the Thursday before the next sitting of the House. The Journals Branch then publishes the text of the motion or the title of the bill in the next sitting's *Notice Paper*.

After the 48 hour notice period expires, a motion (other than a motion for the production of papers) will move from the *Notice Paper* to the list of Private Members' Business items outside the Order of Precedence on the *Order Paper*. Unlike other motions, a motion for the production of papers (which are called only on Wednesdays during Routine Proceedings) must be transferred for debate, either by the Member that sponsored that motion or by the government before it appears on the list under "Notices of Motions (Papers)". A request to transfer a motion for the production of papers for debate under Private Members' Business is usually made only when the government declines to produce the papers called for. It is only after this transfer that a notice of motion for the production of papers may



## STEP TWO:

GETTING ON THE *ORDER*  
*PAPER*  
[*STANDING ORDER 54*]

be selected as an item of Private Members' Business. Motions on the list of items outside the Order of Precedence cannot be moved and debated yet; they are merely ready for the next step.

Although Private Members' Business items outside the Order of Precedence are officially part of the *Order Paper*, they do not actually appear in the printed publication. The list may be consulted at the Table in the Chamber or on the electronic version of the *Order Paper*, available on the parliamentary Web site.

Once the 48-hour notice period is over, a bill will likewise move from the *Notice Paper* to the *Order Paper*, where it will appear under the headings "Order of Business — Daily Routine of Business — Introduction of Private Members' Bills". The bill may now be introduced and given first reading. Members are asked to inform the Private Members' Business Office prior to the day they intend to introduce a bill. The Office will in turn inform the Table so that the Speaker will recognize the Member when he or she rises.

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 then announces the title of the bill and gives the Member the opportunity to make a brief statement outlining its purpose. The bill is then read a first time and ordered to be printed. It is not debated at this time but is ordered to be read again "at the next sitting of the House". The bill now has a number and is put on the list of Private Members' Business items outside the Order of Precedence where it is set down for second reading and reference to a committee. It is then ready for the next step.

All private Members' bills and motions continue from one session to the next within the same Parliament, except of course, the bills and motions that were defeated, withdrawn or dropped from the *Order Paper*. However, private Members' bills and motions do not continue from one Parliament to the next.

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**STEP THREE:****ESTABLISHING  
THE LIST FOR THE  
CONSIDERATION OF  
PRIVATE MEMBERS'  
BUSINESS AND  
THE ORDER OF  
PRECEDENCE***[STANDING ORDER 87]*

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Government bills and motions are called for debate in the order the government chooses. However, items of Private Members' Business are called according to their place in the Order of Precedence. Only those items in the Order of Precedence may be considered during Private Members' Business Hour. The order in which Members may place an item in the Order of Precedence for debate is based on their position in the List for the Consideration of Private Members' Business. Requests for exchanges of position between Members in the List for the Consideration of Private Members' Business are not permitted.

**The List for the Consideration of  
Private Members' Business**

At the beginning of a Parliament, and sometimes during the course of a Parliament, the names of all Members are drawn to establish a List for the Consideration of Private Members' Business. The draw is conducted by the Speaker with the assistance of another Chair occupant and organized by the Private Members' Business Office acting on behalf of the Clerk of the House.

At least 48 hours before the draw is held, the Clerk of the House notifies Members of the date, time and place of the draw. Members and their staff may attend the draw, but their presence is not required.

All Members' names are placed on the List for the Consideration of Private Members' Business, whether they have submitted an item of Private Members' Business or not. Since the Speaker, Deputy Speaker, Ministers and Parliamentary Secretaries are ineligible to take part in Private Members' Business, their names are moved to the bottom of the List, where they will remain as long as they hold office.

Members who become eligible to participate in Private Members' Business during the course of a Parliament, for example Members elected in by-elections, are added to the bottom of the list of eligible names. If more than one Member is elected during by-elections held on the same day, a draw is organized for those Members to determine in which order they will be added to the existing List.



**STEP THREE:****ESTABLISHING THE LIST  
FOR THE CONSIDERATION  
OF PRIVATE MEMBERS'  
BUSINESS AND THE  
ORDER OF PRECEDENCE  
[STANDING ORDER 87]**

When fewer than 15 eligible names remain on the List, a draw is held to establish a new List for the Consideration of Private Members' Business.

**The Order of Precedence**

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. This occurs on the twentieth sitting day following the random draw. In order to be eligible to be transferred to the Order of Precedence, a Member must have at least one of the following items: either a bill that has already been introduced and given first reading or a motion that has been placed on notice (including a Motion for the Production of Papers that has been transferred for debate).

A Member who does not have at least one of the above items at the time his or her name is ready to be transferred to the Order of Precedence is dropped from the List for the Consideration of Private Members' Business. He or she will only be eligible again once the List for the Consideration of Private Members' Business is exhausted or at the beginning of the next Parliament.

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

If a Member whose name has been placed in the Order of Precedence has more than one bill or motion, then the Private Members' Business Office contacts the Member by letter to ask him or her to choose one item from among those in his or her name at the time of the establishment or replenishment of the Order of Precedence. The Member has until the ordinary time of adjournment on the second sitting day after the establishment or replenishment of the Order of Precedence to inform the Private Members' Business Office in writing of the item chosen. If the Member fails to indicate a choice, then the first bill that he or she introduced in the House is deemed to have been chosen and is placed in the Order of Precedence. When there are no bills standing in the name of the Member, the first motion standing in his or her name will be selected or, if required, the first notice of motions (papers). The items added to the Order of Precedence are published in the *Order Paper*.

**STEP THREE:**

**ESTABLISHING THE LIST  
FOR THE CONSIDERATION  
OF PRIVATE MEMBERS'  
BUSINESS AND THE  
ORDER OF PRECEDENCE**  
*[STANDING ORDER 87]*

A Member may decide that he or she no longer wishes to debate a particular bill or motion and thus does not wish to see it placed in the Order of Precedence. The Member may remove a motion which is outside the Order of Precedence simply by writing to the Journals Branch; likewise for a bill which is on notice for introduction and first reading. If, however, the Member wishes to remove a bill which has been given first reading, he or she must request the unanimous consent of the House since the House has ordered that the bill be set down for second reading. Once an item is placed in the Order of Precedence, the Member must seek the unanimous consent of the House to remove it.

**STEP FOUR:**

**CONFIRMATION OF THE  
VOTABILITY OF ITEMS**  
*[STANDING ORDERS  
91.1, 92 AND 92.1]*

All items of Private Members' Business are votable by default. However, on the basis of a list of criteria established by the Standing Committee on Procedure and House Affairs (see Appendix A), the Subcommittee on Private Members' Business has the authority to decide that a particular item should not be votable and report that decision to the Committee. The Subcommittee also submits a report on the items that remain votable. This report is deemed adopted by the Standing Committee on Procedure and House Affairs and presented to the House at the earliest opportunity. It is deemed adopted upon presentation in the House.

A Member who has had his or her item designated non-votable may appear before the Standing Committee on Procedure and House Affairs within five sitting days of the Subcommittee on Private Members' Business presenting its report to the Clerk of the Committee. The Member may present arguments, either orally or in writing, as to why the item should remain votable.

If the Committee, after hearing from the Member, agrees with him or her, it reports to the House that the item should remain votable. That report is deemed concurred in upon presentation.

If the Committee agrees with the Subcommittee, it presents a report to the House, stating that the item should not be votable. The Member then has three options: he or she may appeal the Committee's decision to the House; waive the right to appeal; or substitute another item.



STEP FOUR:

CONFIRMATION OF THE  
VOTABILITY OF ITEMS  
[STANDING ORDERS  
91.1, 92 AND 92.1]

Within five sitting days of the presentation of a report from the Standing Committee on Procedure and House Affairs, the sponsor of an item may file an appeal with the Speaker, in the form of a notice of motion that the item remain votable. In addition to the sponsor, five other Members, representing a majority of the parties in the House, must sign the appeal.

If the appeal is in order, the Speaker determines the dates for a vote by secret ballot to be held over the course of two sitting days. For that purpose, a ballot box is placed in the Chamber. The results of the ballot are announced by the Speaker at a subsequent sitting.

The Member may also choose to waive his or her right of appeal by notifying the Speaker in writing.

The Member may also give notice within five sitting days of the presentation of the Report of his or her intention to substitute another item of Private Members' Business for the item designated as non-votable. If he or she does not already have a notice of motion on the *Order Paper* or *Notice Paper* or a bill on the *Order Paper* for consideration at the second reading stage, the Member has 20 days from the tabling of the Standing Committee's report to have a motion placed on notice or a bill introduced. If the Member fails to do so, his or her name is dropped from the *Order Paper*.

The Subcommittee cannot select motions for papers as non-votable items since the Standing Orders already require such motions to come to a vote.

A Member may ask that his or her item be designated as non-votable by notifying the Private Business Office within two sitting days of being placed in the Order of Precedence. The item will, of course, remain in the Order of Precedence and be debated.

**STEP FIVE:****DEBATE**

[*STANDING ORDERS 30,  
90 TO 95 AND 97 TO 99*]

Private Members' Business is taken up in the House during Private Members' Business Hour, which occurs five days a week at the following times:

Mondays	—	11:00 a.m. to 12:00 noon
Tuesdays	—	5:30 p.m. to 6:30 p.m.
Wednesdays	—	5:30 p.m. to 6:30 p.m.
Thursdays	—	5:30 p.m. to 6:30 p.m.
Fridays	—	1:30 p.m. to 2:30 p.m.

**Debate**

Items of Private Members' Business are debated (see Appendix B) according to their position in the Order of Precedence on the *Order Paper*, and only one item is usually considered during each Private Members' Business Hour. The item to be taken up on a given day is announced at the end of the *Notice Paper* for that day.

**Votable items** (motions, bills at second reading and at report and third reading stages, and motions for production of papers which have been transferred for debate) are entitled to up to two hours of debated, then the debate is adjourned and the item is moved to the bottom of the Order of Precedence. As subsequent items are debated, the votable item works its way back to the top of the Order of Precedence for a second hour of debate.

During the first hour of debate on a votable item, the sponsor has a maximum of 15 minutes to make an opening statement, followed by a period of 5 minutes for questions and comments. Other Members who wish to take part in the debate may speak for a maximum of 10 minutes each. At the end of the second hour or when no other Member rises to speak, the sponsor has a maximum of 5 minutes to conclude the debate.

**Non-votable items**, including those on which an appeal was lost, are entitled to only one hour of debate. At the end of the debate, the

**STEP FIVE:****DEBATE**

[STANDING ORDERS 30,  
90 TO 95 AND 97 TO 99]

Speaker will order that the item be dropped from the *Order Paper*. Since a decision has not been rendered on this item, a Member may choose once again to place the item on notice.

The sponsor of a non-votable item has a maximum of 15 minutes to make an opening statement and a maximum of 5 minutes to conclude the debate. There is no period for questions and comments. All other Members who wish to speak have a maximum of 10 minutes each.

**Motions for papers**, which seek to have the government table certain specified documents, may be debated for a total of two hours and then are voted on. Thus, these items are not dropped from the *Order Paper* after the first hour of debate but are placed at the bottom of the Order of Precedence. The sponsor of the motion may speak for 15 minutes, followed by a period of 5 minutes for questions and comments. Other Members who wish to take part in the debate may speak for a maximum of 10 minutes. As subsequent items are debated, the motion for papers will move up the Order of Precedence until it is called again, at which point it will be debated for a further 50 minutes. A Minister, or a Parliamentary Secretary speaking on the Minister's behalf, may then speak for 5 minutes even if he or she has already spoken in the debate. Finally, the mover of the motion may speak for an additional 5 minutes. The Speaker will then put the question. If the motion carries, it becomes an Order of the House for the government to table the documents called for in the motion.

**Exchanges**

[Standing Orders 92, 92.1, 93 and 94]

The Private Members' Business Office advises Members in advance of the days their items are slated for debate. Should a Member be unable to be in the House on the day his or her item is to be debated, he or she is asked to notify the Private Members' Business Office at the earliest possible date. If at least 48 hours' written notice of the Member's absence is received, that Office, acting on behalf of the Speaker, will, with the permission of the two Members involved, endeavour to replace the Member by another Member whose item appears in the Order of Precedence.

The replacement of one Member by another is only a straightforward exchange: for example, item 2 in the Order of Precedence becomes

**STEP FIVE:****DEBATE**

[STANDING ORDERS 30,  
90 TO 95 AND 97 TO 99]

item 9 and vice versa. The new arrangement is still subject to events in the House, and the exchange does not guarantee that the item will be debated during a particular Private Members' Business Hour. Exchanges are also limited by the rule that all the requirements of Standing Orders concerning the appeals and substitution processes must be met. Furthermore, at least ten sitting days must elapse between the first and second hour of debate on motions or bills at second reading.

If an exchange cannot be arranged, the Speaker gives 24 hours' notice in the House that Private Members' Business Hour will be suspended the following day and that government business will be taken up instead. The Member's item for which an exchange could not be arranged, is dropped to the bottom of the Order of Precedence and he or she is then prevented from requesting an exchange in the future.

A Member that causes the suspension of more than one hour of Private Members' Business will have his or her item dropped from the *Order Paper*. If a Member has not asked for an exchange and is absent when his or her item is called the first time, the sitting of the House will then be suspended for the duration of Private Members' Business Hour that day and the item will be dropped to the bottom of the Order of Precedence. He or she is then prevented from requesting an exchange in the future.

### **Cancellations, Delays and Interruptions**

[*Standing Orders 30(7), 53, 91 and 99*]

On the last Supply Day in June (unless that day falls on a Monday), Private Members' Business is cancelled so that the Main Estimates can be disposed of. Private Members' Business may also be cancelled for other reasons: for example, during the consideration of matters of an urgent nature or on the day of the presentation of the Budget (unless Private Members' Business Hour occurs before it that day, for example, on a Monday), or until an Order of Precedence is established at the beginning of a Parliament.

A Royal Assent ceremony, a statement by a Minister, or a recorded division may delay or interrupt Private Members' Business Hour. The

**STEP FIVE:****DEBATE**

[STANDING ORDERS 30,  
90 TO 95 AND 97 TO 99]

time lost to the delay or interruption is added to Private Members' Business Hour that day unless the delay or interruption continues for more than 30 minutes past the time the hour would normally have ended, in which case, the Speaker will, after consultation, designate another day, within the next 10 sittings days if possible, to make up the time lost.

**Recorded Divisions**

[Standing Order 98(4)(b)]

When a recorded division is requested on a Private Members' Business, the vote is automatically deferred to the next Wednesday on which the House sits, and the vote is taken immediately before the time provided for Private Members' Business.

When a recorded division is taken, the Member sponsoring the bill or motion votes first, if he or she is present, followed by the other Members on the same side of the House, starting with the last row, who are in favour of the bill or motion, and then the Members on the other side of the House, starting with the last row, who are voting in favour. Votes against the measure are recorded in the same order.

If the votable item is a motion expressing a resolution, the House concludes by rendering its opinion either for or against, and that item of business is disposed of.

**Committee Consideration of Bills**

[Standing Order 97.1]

A votable Private Members' bill follows the normal procedure for a bill: if second reading is agreed to by the House, the bill is referred to a committee for the hearing of witnesses, clause-by-clause study and possible amendment. The committee must, within 60 sitting days of the bill being referred to it, either report the bill to the House, request a single 30 sitting day extension, or present a report recommending that the bill not be proceeded with for the reasons cited in the report.

When a committee presents a report recommending that a bill not be further proceeded with, a notice of motion for concurrence in the report is immediately placed on the *Notice Paper*. The debate on this



**STEP FIVE:****DEBATE**

[STANDING ORDERS 30,  
90 TO 95 AND 97 TO 99]

motion takes place on a date set by the Speaker and does not exceed one hour. Members who wish to take part in the debate may speak for a maximum of 10 minutes. If requested by at least five Members, a recorded division is automatically deferred to the next Wednesday the House sits, and the vote is taken immediately before the time provided for Private Members' Business.

The committee may request, by way of a report to the House, an extension of 30 sitting days to consider the bill. As soon as such a report has been presented to the House a motion to concur in the report is deemed to have been moved and a recorded division deemed requested and deferred to the next Wednesday the House sits immediately before the time provided for Private Members' Business.

If the committee fails to report the bill or present a report by the end of the allotted time, the bill will be deemed reported without amendment. Similarly, if the House only pronounces itself after the time allotted to the committee has expired and rejects a committee report that recommends a 30 sitting day extension or that a bill not be further proceeded with, the bill is deemed reported without amendment.

**Report and Third Reading Stage Consideration of Bills**

[Standing Order 98]

When a committee reports a private Member's bill back to the House or is deemed to have reported a bill back, the order for consideration of the report stage is placed at the bottom of the Order of Precedence. Two hours, on separate sitting days are allotted for combined report stage and third reading consideration.

On the first day, if there are no motions in amendment at report stage appearing on the *Notice Paper*, the motion for concurrence at report stage is put immediately and, if adopted, the motion for third reading is moved and debate commences at third reading.

If there are motions in amendment at report stage, and debate on these motions concludes during the first hour, the question is put on all motions to dispose of report stage and, if the bill is concurred

**STEP FIVE:****DEBATE**

[*STANDING ORDERS 30,  
90 TO 95 AND 97 TO 99*]

in at report stage and if the first hour has elapsed, it is placed at the bottom of the Order of Precedence in order to receive third reading at a subsequent sitting.

At the end of the first Private Members' Business Hour, unless the bill has been otherwise disposed of, it drops to the bottom of the Order of Precedence and works its way up to the top for consideration by the House during a second Private Members' Business Hour. At the end of the second hour, all questions necessary to dispose of the bill at the remaining stage or stages are put, unless a Royal Recommendation is required. As previously mentioned, bills containing specific provisions involving the expenditure of public funds must be accompanied by a Royal Recommendation before the Speaker can allow the motion for the third reading of the bill to be put to a vote. If a recorded vote is requested, it is automatically deferred to the next Wednesday that the House sits.

The time provided for the consideration of a private Member's bill at report stage and third reading may be extended by up to five hours on the second day of debate. If a bill is not disposed of within the first 30 minutes of debate on the first day of consideration, during any time remaining on that day, any Member may propose a motion to extend the debate on the second day for a period not to exceed five consecutive hours. This non-debatable, non-amendable motion is deemed withdrawn if fewer than 20 Members rise to support it.

If the motion is adopted and the time for consideration is extended on the second day, the Standing Orders relating to the normal hour of adjournment are suspended. At the conclusion of the time provided for Private Members' Business on the second day, the Speaker puts every question necessary to dispose of any remaining stages of the bill. On a Monday however, the extension of up to five additional hours of debate begins at the ordinary hour of daily adjournment.

**Senate Consideration**

If the motion for third reading is put by the Speaker and adopted by the House, the bill is sent to the Senate for further consideration. It is the Member's responsibility to find a sponsor for the bill in the Senate. The order for the consideration of Senate amendments to a private Member's bill is placed at the bottom of the Order of

**STEP FIVE:****DEBATE**

[*STANDING ORDERS 30,  
90 TO 95 AND 97 TO 99*]

Precedence when the message relating to the amendments is received from the Senate. The Standing Orders do not specify any time limit for the consideration of a motion respecting Senate amendments. When the item reaches the top of the Order of Precedence, it is considered during Private Members' Business Hour and, if not disposed of at the end of the hour, it is placed again at the bottom of the Order of Precedence. This process is repeated until the debate ends and the question can be put on the motion.

**Royal Assent**

Once the text of the bill has been approved by both the House of Commons and the Senate, it has only to be given the Royal Assent on a date determined by the Government. Thereafter, the Act comes into force unless a date of commencement is provided for in the Act.

**Senate Bills**

[*Standing Orders 69(2), 89 and 92(1)*]

Some private Members' bills originate in the Senate and are sent to the Commons after third reading in the Upper House. Such bills appear on the *Order Paper* under the headings "Order of Business — Daily Routine of Business — First Reading of Senate Public Bills". When the Speaker calls "First Reading of Senate Public Bills" during Routine Proceedings, the Member sponsoring the bill in the House of Commons rises and the Speaker then announces the title of the bill. The sponsoring Member is given the opportunity to make a brief statement outlining the purpose of the bill. The Speaker then states that the motion to give first reading of the bill is deemed carried. Once the bill is given first reading, it is added to the bottom of the Order of Precedence. It may, however, be designated as a non-votable bill by the Subcommittee on Private Members' Business if a similar bill has been voted on by the House in the same Parliament. Any Member who wishes to move first reading of a Senate bill should inform the Private Members' Business Office to ensure that the Speaker will recognize him or her. A Member sponsoring a bill originating in the Senate does not lose his or her place on the List for the Consideration of Private Members' Business but may only sponsor one Senate bill during a Parliament.



**STEP FIVE:**

**DEBATE**

*[STANDING ORDERS 30,  
90 TO 95 AND 97 TO 99]*

**Private Bills**

*[Standing Orders 89 and 129 to 147]*

Private bills are bills for the benefit of named individuals or corporations, and they may be introduced in either the Commons or the Senate. Nowadays, such bills are almost always introduced in the Senate. They are added to the bottom of the Order of Precedence when they are received in the House of Commons. The procedure for private bills differs in some important respects from normal legislative procedure and any Member who has been asked to sponsor such a bill should contact the Private Members' Business Office for further information.

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**STEP BY STEP SUMMARY**


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STEPS	BILLS	MOTIONS
1. <b>Preparation</b>	Drafting by the parliamentary counsel.	Help from Journals Branch or Private Members' Business Office.
2. <b>Getting on the Order Paper</b>	<b>Bill</b> sent to Journals Branch, which puts it on <i>Notice Paper</i> . After 48 hours, bill is on <i>Order Paper</i> and may be introduced. After 1st reading, bill is put on List of items outside the Order of Precedence.	<b>Motion</b> sent to Journals Branch, which puts it on <i>Notice Paper</i> . After 48 hours, motion is put on List of items outside the Order of Precedence.  When called, <b>motion for the production of papers</b> may be transferred for debate and put on List of items outside the Order of Precedence.
3. <b>a) Establishing the List for the Consideration of Private Members' Business</b>	The names of all Members of Parliament are drawn to establish the List for the Consideration of Private Members' Business.  Ineligible Members are moved to the bottom of the List.  When fewer than 15 names remain on the List another draw is held to establish a new List after a minimum of 48 hours' notice.  Members who want to debate their bill must have introduced it in the House prior to their names being transferred to the Order of Precedence.	The names of all Members of Parliament are drawn to establish the List for the Consideration of Private Members' Business.  Ineligible Members are moved to the bottom of the List.  When fewer than 15 names remain on the List another draw is held to establish a new List after a minimum of 48 hours' notice.  Members who want to debate their motion must have placed it on the <i>Notice Paper</i> prior to their names being transferred to the Order of Precedence.
<b>b) Establishing or replenishing the Order of Precedence</b>	At the beginning of a Parliament, 20 sitting days after the draw for the List for the Consideration of Private Members' Business, the Order of Precedence is established with items from the first 30 Members on the List who have introduced a bill or given notice of a motion.  During a session, the Order of Precedence is replenished whenever less than 15 items remain on the Order of Precedence by adding items from the next 15 Members on the List for the Consideration of Private Members' Business who have introduced a bill or given notice of a motion.	At the beginning of a Parliament, 20 sitting days after the draw for the List for the Consideration of Private Members' Business, the Order of Precedence is established with items from the first 30 Members on the List who have introduced a bill or given notice of a motion  During a session, the Order of Precedence is replenished whenever less than 15 items remain on the Order of Precedence by adding items from the next 15 Members on the List for the Consideration of Private Members' Business who have introduced a bill or given notice of a motion



STEPS	BILLS	MOTIONS
<p>4. <b>Confirm votability of items</b></p>	<p>The Subcommittee on Private Members' Business may designate a bill as non-votable if it meets one of the criteria set out in Appendix A. The Sponsor of the bill can appeal the decision.</p>	<p>The Subcommittee on Private Members' Business may designate a motion as non-votable if it meets one of the criteria set out in Appendix A. The Sponsor of the motion can appeal the decision.</p>
<p>5. <b>Debate</b></p>	<p>A <b>non-votable bill</b> is debated 1 hour then dropped from the <i>Order Paper</i>.</p> <hr/> <p>A <b>votable bill</b> is debated up to 2 hours at 2nd reading then voted on. If adopted, the bill is sent to committee, then further debate can take place at report stage and 3rd reading.</p>	<p>A <b>non-votable motion</b> is debated 1 hour then dropped from the <i>Order Paper</i>.</p> <hr/> <p>A <b>votable motion</b> is debated up to 2 hours then voted on.</p> <p>A <b>motion for papers</b> is debated up to 2 hours then voted on.</p>



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**PRIVATE MEMBERS’  
BUSINESS OFFICE**

The Private Members’ Business Office is responsible for most of the administrative and procedural duties associated with Private Members’ Business. These include making arrangements for the draw, ensuring that Members and their staff know when their items of business are to be taken up during Private Members’ Hour, and providing the Standing Committee on Procedure and House Affairs with procedural advice on Private Members’ Business.

The Private Members’ Business Office can be reached by e-mail at [pmb-aed@parl.gc.ca](mailto:pmb-aed@parl.gc.ca) or by phone at 613 992-9511.







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## OTHER SERVICES

The **Journals Branch** publishes the daily *Order Paper and Notice Paper*. Thus all notices of motions including motions for Private Members' Business, copies of bills to be introduced, notices of motions for the production of papers and written questions are to be sent to that office. The Journals Branch will advise Members on the correct wording of their notices of motions and their written questions. (613-992-2038)

The **Office of the Law Clerk and Parliamentary Counsel** provides a drafting service for private Members who wish to formulate a bill or a resolution to amend the Constitution. The Office certifies private Members' bills before they are presented to the House, and also sees that these bills are printed after first reading. (613-947-6311)

The **Control Centre for Documentation** is responsible for distributing copies of private Members' bills to Members once the bills have been printed following first reading. Text of bills are also available on the parliamentary Web site. (613-990-4222)



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**LIST OF CRITERIA FOR  
MAKING ITEMS OF PRIVATE  
MEMBERS' BUSINESS  
NON-VOTABLE\***

1. Bills and motions must not concern questions that are outside federal jurisdiction.
2. Bills and motions must not clearly violate the *Constitution Acts, 1867 to 1982*, including the *Canadian Charter of Rights and Freedoms*.
3. Bills and motions must not concern questions that are substantially the same as ones already voted on by the House of Commons in the current session of Parliament, or as ones preceding them in the order of precedence.
4. Bills and motions must not concern questions that are currently on the *Order Paper* or *Notice Paper* as items of government business.

*NOTE: For the purposes of the application of these criteria, bills shall be assessed only against other bills and motions only against other motions.*

*\*(Excerpted from the 49th Report of the Standing Committee on Procedure and House Affairs, concurred in by the House on May 9, 2007)*



## TIME LIMITS ON DEBATES AND LENGTHS OF SPEECHES

Proceeding	Time Limit on Debate	Notes on the Debate	Member Speaking	Length of Speech	
Motion or Public Bill at 2nd reading, non-votable	1 hour — S.O. 96(1)		Member moving motion	15 minutes to open debate and 5 minutes to close debate — S.O. 95(2)	
			Any other Member	10 minutes, for a period not exceeding 40 minutes — S.O. 95(2)	
Motion or Public or Private Bill at 2nd reading, votable	2 hours — S.O. 93(1)	Debate will normally take place on 2 sitting days for no more than 1 hour per sitting — S.O. 93(1)	Member moving motion	15 minutes to open debate and 5 minutes to close debate — S.O. 95(1)	5-minute question-and-comment period
		At least ten sitting days shall elapse between the first and the second hour of debate — S.O. 93(2)	Any other Member	10 minutes — S.O. 95(1)	
Bill at report stage and 3rd reading	2 sitting days — S.O. 98(2)	At the end of time provided on second day, every question put for all stages remaining — S.O. 98(4)	Any Member at report stage	10 minutes — S.O. 76.1(7)	
		If bill not disposed of in first 30 minutes on first day, non-debatable motion may be moved to extend time on second day by up to 5 hours — S.O. 98(3)	Member moving motion at 3rd reading	15 minutes to open debate and 5 minutes to close debate — S.O. 95(1)	5-minute question-and-comment period
			Any other Member at 3rd reading	10 minutes — S.O. 95(1)	
Report recommending not to proceed further with a bill	1 hour — S.O. 97.1(2)(c)	Debate starts at the end of the time provided for consideration of Private Members' Business on a day fixed, after consultation, by the Speaker — S.O. 97.1(2)(c)	Any Member	10 minutes — S.O. 97.1(2)(i)	
	At the end of the time provided, question put — S.O. 97.1(2)(c)				
Motion respecting Senate amendments to a bill	No limit — S.O. 90	No more than 1 hour per sitting — S.O. 30(6), (7)	Member moving motion	15 minutes to open debate and 5 minutes to close debate — S.O. 95(1)	5-minute question-and-comment period
			Any other Member	10 minutes — S.O. 95(1)	



Proceeding	Time Limit on Debate	Notes on the Debate	Member Speaking	Length of Speech	
Motion (papers)	2 hours —S.O. 97(2)	After 1 hour and 50 minutes of debate, a Minister (or Parliamentary Secretary speaking on behalf of a Minister) and then the Member who moved the motion may speak —S.O. 97(2)	Member moving motion	15 minutes to open debate and 5 minutes to close debate —S.O. 95(1) and 97(2)	5-minute question-and-comment period
		Debate will normally take place on 2 sitting days for no more than 1 hour per sitting — S.O. 30(6), (7)	Any other Member	10 minutes —S.O. 95(1)	
			Minister (or Parliamentary Secretary speaking on behalf of a Minister) speaking just before the mover closes the debate	5 minutes —S.O. 97(2)	