

the procedure for motions under Standing Order 43. That is a right of a private member.

I am not suggesting or arguing at all for one moment, sir, that every member of this House has faithfully observed the rules in respect of Standing Order 43, but I am saying to my friend, the government House leader, that when he talks about this he ought to be fair. If it is improper for us to embarrass by motions under Standing Order 43, that impropriety ought to be attached to both sides, not just this side. If we cannot make political points under Standing Order 43, and if that is to be the way he wants the rule to operate, then he should stand up on his points of order, as he says he intends to do, and include reference to his own colleagues who make these points under the Standing Order.

Standing Order 43 is an order that is generally not understood in this House. It is not understood in parliament generally; it is not understood by members in the press gallery, and it is not understood by the public. At a time when parliament's rights are being diminished, and at a time when the government, never mind by its own words, but by the things it has asked this parliament to do, is slowly diminishing the right of private members to speak, I say it is very important that private members not lose this right under the Standing Order. While my dear friend says he does not want to diminish the right of the private member to speak, he shows that he does if what is said embarrasses the government or touches a sore spot. As a matter of fact, he is going to rise on a point of order, and that is what he really will be saying.

What Standing Order 43 says is this:

A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the House without notice having been given—

Such a motion can be made without notice under the ordinary standing orders of the House of Commons. The important thing is that there must be, unlike Standing Order 26, a previous explanation by the mover of the motion. It can be a motion without notice, and is, therefore, unusual under our rules. The House must be asked to give its consent, and it is the duty of the Chair to ask whether that consent is given before the motion is even put at all. If the House decides that the substance of the motion is such that it ought not be put, whether the motion is embarrassing to the government or to the opposition, that is a decision of the House. It is the decision of the House whether the motion ought to be put.

There is another duty, and that is a duty of the Chair. I say, with respect, that the Chair has a role in this process. This is quite an uncomfortable responsibility, but it is a responsibility of the Chair. The Speaker's role, I respectfully suggest to you, is not to decide whether the matter addresses itself to something of urgent and pressing necessity. The Chair does not make that judgment. However, the Chair does make a judgment as to whether the member has addressed the question of urgency in the explanation he gives. If the Speaker finds that the member has not addressed the question of urgency, then I would be the first to say the motion should not be allowed. This is a responsibility of the Chair. A judgment has to be

made quickly. This is an onerous responsibility, but it is one that rests with the Chair.

Once the motion has passed the scrutiny of the Chair, then the question as to whether it is to go to the House is a question left to the House to decide. It is not left to the government to decide on the basis of embarrassment, or anything else. It is not a decision left to the opposition or to any other member. In my judgment, this is the way the rule should operate.

There are matters which cannot be discussed under Standing Order 43. I think they are obvious. Something that is not within the competence of the Government of Canada is probably outside the ambit of Standing Order 43. Something that is of continuing concern may be outside the ambit of Standing Order 43. I suggest this depends on the wording of the motion, and I refer again to the use in the Standing Order of the word "may".

If the motion itself involves an expenditure of money it may well be outside the realm of Standing Order 43. I put it to you, sir, that if the form of the motion is such that it requests Her Majesty, the Queen, or her representative, for the royal recommendation in respect of the expenditure of money, that might be a different thing. If the motion engages in partisanship, is declaratory, or includes innuendo, these may well be cases where the Chair will find the member has not addressed the question of urgency in his explanation. That is the important thing.

If there is anything that would underscore what I am saying on this matter of the Chair's position in respect of Standing Order 43, it is a contrast with Standing Order 26. Standing Order 26 does in fact involve the Chair in deciding the question of urgency. The rules must be applied by the Chair. On many occasions when members have proposed motions under Standing Order 26, and have given the appropriate notice, the Chair has for various reasons ruled against them, perhaps on the ground, that there have been other occasions when such matters could be debated, or the matter involved a continuing concern and was, therefore, not urgent.

Under Standing Order 43 the rule, as I interpret it, and I say this with respect, puts an onus on the Chair to decide whether the mover of the motion has, in his explanation, addressed the question of urgency. If that has been done, then the motion must be allowed to go to the House, whether or not it is embarrassing to the government, whether or not the government has a right to reply; regardless of those things, that is the conclusion of the rule.

● (1542)

I do not know, Mr. Speaker, if you are prepared to allow us to argue the question left open the other day of the priority of Standing Order 43 at the beginning of the question period over Standing Order 45(2). It is extremely important that this matter be settled because you, sir, did make some observations last week with respect to the arguments put by the hon. member for Saskatoon-Biggar. I believe you called them considerations which we would have to consider at some time. I hope that that is your position, sir, because I think there is a