

which is really in effect giving to it the priority heretofore enjoyed by motions referring to matters of privilege. Finally, it seems to me that if the effect of consent to put a motion pursuant to Standing Order 43 is to give it that kind of priority, I think members realize I would only be increasing the difficulty of securing consent instead of easing it, which might be more desirable.

A future procedure committee will, I am sure, endeavour to clarify this problem for the House. In the interim, I will continue to treat these debates, once interrupted by question period, as having been transferred to government orders pursuant to Standing Order 45(2).

These two decisions about attempting to reduce those abuses which I cited earlier in my ruling, and this ruling about attempting to transfer the debate to government orders if interrupted by question period, may clarify situations which press upon us for the moment, but still do not touch on many of the elements given very extensive consideration in the discussion, including a number of suggested improvements. I think I should deal with those briefly.

I think all sides of the House recognize that this procedure is the best substitute we have for a grievance procedure, but that it fails fundamentally as a grievance procedure because it is not in any way designed to evoke a direct, reasoned response at the time the grievance is aired.

We dealt rather extensively as well with the difficulty that members who withhold their consent for the introduction of this motion ought in some way to be identified, perhaps by rising in their place. This was a very strong point raised over a long period of time by the right hon. member for Prince Albert (Mr. Diefenbaker) and was also referred to on several occasions by the hon. member for Bellechasse (Mr. Lambert).

• (1510)

One of the most basic concerns relates to the rather widespread misunderstanding of the very nature of the proceeding itself. That is, that what is being sought is actual passage or approval of the motion and therefore that the withholding of consent by the other side somehow constitutes opposition to the motion. Both of these notions are rather widely held and both of them are totally incorrect. For very good reasons members of this House are entitled to notice in advance before being asked to debate a matter of some importance.

The effect of Standing Order 43 is solely to introduce into the House a motion without prior notice. Approval or passage is an entirely separate question once the motion is put. On the other hand, the withholding of consent ought to be related in some way to the introduction without notice of a motion, and I am sure it often has nothing to do with the substance of the motion.

There is not much that I can do to bring about a more accurate understanding of these procedures from the Chair. However, I want to return to one proposal that seemed to receive support from all sides of the House, and that is the matter of a member refusing consent and doing so with identification. Obviously that carries with it a counter-balanc-

ing change in our practices. Presumably if a member is to be identified when withholding his consent to the introduction of a motion, then we would have to give to that member the opportunity to explain the reason that he is withholding his consent.

Let me try to point out the difficulties that we face by the example which is so recent, namely the motion now put a second time within about a week by the right hon. member for Prince Albert (Mr. Diefenbaker). Many suggestions were put that that abuse of the rule might be eliminated by prior notice being given to the Chair so that I could choose between motions. Alternatively, I could take a tight line on abuses when listening to the preamble of the motion.

The motion put by the right hon. member for Prince Albert touches a matter which seems to me, in any Speaker's decision, would qualify as far as urgency is concerned because it follows upon a court decision. It is important because it affects the rights and privileges of members of the House of Commons with respect to the confidentiality of their sources of information. Even if advance notice had been given to the Chair, a method which has been suggested by some hon. members, and even if I take the tightest possible line on preambles, any Speaker would surely see that this is a motion that qualifies pursuant to the rules.

The difficulty arises when the withholding of consent is considered as opposition to that kind of a motion. Whether it is or not, leaving aside political differences for the moment and taking a serious approach to the dilemma for both sides of the House, I would say this is a motion that most would consider could quite properly be put under this procedure. On the other side of the coin the question is: Is it desirable that that kind of motion be debated without any advance notice? It is a very serious question. Would the House be satisfied with a debate that did not include in that subject a contribution, for example, by the minister of justice of the day? Surely not. Therefore, the withholding of consent in these circumstances is related to the fact that notice should be given, and a matter of this sort ought not to be sprung on the House without such notice. Later in the question period of that particular day, in response to a question put by the right hon. member, the Deputy Prime Minister (Mr. MacEachen) gave some reasoning. But that does not happen every day.

Then the question arises: Is this the direction in which we should move? Should members withholding consent be prepared to identify themselves by rising in their places? If they do this, should they be given the opportunity to make a brief statement about the reason for withholding consent? Immediately the House will realize that we have fundamentally changed the proceeding if we do that. Also we will have entirely altered the use of that brief period of time which now exists.

Another of the useful suggestions that has come forward and which also gets my approval in principle concerns the development of a grievance procedure. We are striving to use this proceeding in order to replace what I have said many times in the past is significantly missing from our practices,