

*Motions for Papers*

information upon points which it deems necessary for the public advantage to have generally understood. In that regard I submit to Your Honour that this is a point about which the public are greatly concerned, in which public welfare is most certainly involved, to which public moneys are to be devoted, and that therefore it is for the public advantage to have the correspondence produced.

**Mr. Speaker:** I am grateful to hon. members who have taken part in the discussion. I must say, however, that some of the points that have been made pertain rather to the debatable side of the matter between members of the house themselves in which it is difficult for me to intervene because I cannot take part in debates. It is a borderline case. If I were to refute or comment in any way upon some of the points advanced it might lead some hon. members to say that I was debating a matter which is not within my province to debate. On the other hand, if I make a slip perhaps I can be forgiven because I will try to be very careful and will do some fancy skating in order to put my own views before the house strictly from the point of view of order. I have here before me the reference made by the hon. member for Kamloops (Mr. Fulton) with respect to the statement made by Mr. Meighen in 1921. As a matter of fact, the day after I made some remarks as to the question of the production of papers, I did refer hon. members to that very question which appears in the debates of 1921.

To justify my appeal, I did refer hon. members on February 7 to Bourinot, fourth edition, pages 249 to 254; Todd's Parliamentary Government in England, revised by Spencer Walpole, volume II, pages 157 to 160; and also to the *Debates* of March 17, 1921, at pages 1003 and 1004, volume II. See also *Debates*, page 694, volume I, 1932-33.

Inasmuch as hon. members of the government consider that the production of papers relating to affairs of the Canadian National Railways is, by practice, to fall in the same classification as those which are refused because they are privileged, and of a personal or confidential character, we must look at the refusal given by the ministers to these motions for the production of papers in the light of the general theory which I find very clearly expressed in Todd's Parliamentary Government, volume II, as revised by Spencer Walpole. I would refer hon. members to page 157, where they will find this:

The rule which forbids any encroachment by parliament upon the executive authority of the crown has a further application, to which our attention must now be directed.

[Mr. Fulton.]

It is imperative that parliament shall be duly informed of everything that may be necessary to explain the policy and proceedings of government in any part of the empire; and the fullest information is communicated by government to both houses, from time to time, upon all matters of public concern. For it is in parliament that authoritative statements are made, or information given, by ministers upon public questions; and no action in parliament should be based upon declarations of policy made elsewhere.

Considerations of public policy, and a due regard to the interests of the state, occasionally demand, however, that information sought for by members of the legislature should be withheld, at the discretion and upon the general responsibility of ministers. This principle is systematically recognized in all parliamentary transactions: were it other wise, it would be impossible to carry on the government with safety and honour. Whenever it is declared, by the responsible servants of the crown, that any information sought for in parliament could not be supplied without inconvenience to the public service, or for other sufficient reasons, the house refrains from insisting upon its production. And if the government object to produce any documents, on the ground that they are of a private and confidential description, it is not usual to insist upon their being furnished, except under peculiar and imperative circumstances.

It was based upon that general theory, which has been followed in practice by all governments I have known in this country since confederation, that I made an appeal that whenever a motion is refused for what I might be permitted to call standard reasons, a recorded division perhaps should not be asked on every occasion. That was the sense of my appeal the other day.

I am not in a position, because I have not the authority, to decide upon the point brought out by the hon. member for Prince Albert (Mr. Diefenbaker), as to the interpretation given by Mr. Meighen in 1921 with respect to certain documents pertaining to the affairs to the C.N.R. management, which he said should not be produced. That is a debatable point which I should not be called upon to decide. And if I were to decide that the minister's interpretation of practice with respect to these things is not the proper one, and were to condemn Mr. Meighen's opinion as expressed in 1921, how do I have authority to force a minister to produce documents?

The hon. member will recall that there was a case of that kind two years ago when he, himself, protested against a refusal to produce documents by the treasury benches, and he asked Mr. Speaker Macdonald to order that certain documents be produced. The hon. member will recall what Mr. Speaker Macdonald said at that time, as I must say today, "I have no authority to order a minister to produce documents he feels should not be produced." See *Debates*, April 28, 1952, pages 1648-1651, volume II.