

## HOUSE OF COMMONS

Friday, June 12, 1970

The House met at 11 a.m.

### PRIVILEGE

MR. BALDWIN—FAILURE TO TABLE LE DAIN COMMISSION INTERIM REPORT

**Mr. G. W. Baldwin (Peace River):** Mr. Speaker, I rise on a question of privilege which affects all members of this House. It is based on the failure of the government to table in the House and make public the interim report of the Le Dain Commission inquiring into the non-medical use of certain drugs. I have given Your Honour the required notice of this question of privilege.

Public inquiries or commissions come under the Inquiries Act and are established "to permit the Governor in Council to conduct inquiries into and concerning any matter connected with the good government of Canada or the conduct of any part of the public business thereof." There is nothing in the Act which authorizes the government to hide or conceal, even for a limited time, any report or reports made. In support of that I refer to the report of the commission on security. In that case the government saw fit to hold back part of the report but justified it on the ground that the national interest must prevail.

The very careful wording of the Act constitutes an irrebuttable presumption that the public interest of the people of Canada is involved. This and the fact that the Canadian taxpayer is footing the bill make it impossible for the government to maintain that any report of this or any commission, either interim or final, is the private property of the leaders of one political party to be suppressed or publication delayed to suit the partisan convenience and interest of such people. To do so is a contempt of the rights of this House.

Tradition, constitutional precedent, and the present practice in this country and in the United Kingdom where this type of inquiry originated all support the view that a report must be tabled in this House when it is received by the government.

Nor should the government or any minister be permitted to play games by pretending that the report has not been officially tendered to the government when in fact the contents have been made known.

**Some hon. Members:** Hear, hear!

**Mr. Baldwin:** I draw Your Honour's attention to the fact that it is public knowledge today that the commissioner involved has made some serious charges in this regard. In the United Kingdom the present practice is to fix a time limit and publication must be made in accordance with this.

Finally, in this contemporary age of a great public interest, on an issue of such tremendous importance, and at a time when the right of the public to be fully and immediately informed is accepted as part of our democratic system, the failure of this government to be frank and honest and table the report constitutes a contempt and a breach of the privileges of the members of this House as trustees of the rights of all Canadians. This represents a conflict between the "just society" and the "secret society". I therefore move:

That the question of the failure of the government to immediately table the interim report of the commission of inquiry into the non-medical use of drugs be referred to the Standing Committee on Privileges and Elections to consider and report back to this House whether such failure is a contempt and a breach of privilege and for a declaration as to the duty of government to table reports of commissions of inquiry forthwith after they have been received.

If Your Honour holds there is a prima facie case, I ask that this motion be put.

**Mr. Speaker:** Order, please. As hon. members know, the ruling which the Chair has to make before the motion proposed by the hon. member can be put is whether there is a prima facie case of privilege. I have serious doubts about this. I recognize the importance of the matter raised by the hon. member. The hon. member referred to the fact that in another jurisdiction there is a rule which specifies a time limit within which certain reports have to be filed. There is no such rule in our Standing Orders. On the contrary, there is a procedure which is specified in the Standing Orders whereby members of this House can obtain production of documents or pro-