

for production of documents on the understanding that certain documents will not be produced. The other question is related to it. As I understand his second objection, it is that we are, in effect, amending a non-debatable motion.

Perhaps it would be worth while to take a minute to read Standing Order 47. It reads: "Notices of Motions for the Production of Papers which the Member asking for the same intends to move without discussion, shall be marked by him with an asterisk and shall be placed by the Clerk on the Order Paper under the heading "Notices of Motions for the Production of Papers". All such notices when called shall be forthwith disposed of; but if on any such motion a debate be desired, it will be transferred by the Clerk to the order of 'Notices of Motions'."

It is clear from a reading of this Standing Order that such motions are not debatable. They are a special category of motion to be disposed of forthwith or, if they are to be debated, they are dealt with under a special procedure. It is not in order, therefore, to move an amendment. In fact, no Member could get the floor to move an amendment.

However, there has been a well recognized practice established in the House that a Minister, who does not wish to be bound by an unqualified Order of the House to produce documents which he does not propose to produce or does not wish to produce for some recognized reason of public policy, may rise and state his objection so that his objection will be a matter of record. This statement is, to some extent, a protection of the Minister against the unqualified Order of the House calling upon him to produce the documents mentioned. It is a practice which has commended itself to the House and which has been well established. Whatever the significance of such a statement may be, whether or not it amounts to an amendment, it is an established practice. I do not believe the honourable Member rose to object to the practice being continued.

It may be of interest to the House to know that when these Orders are passed by the House they are noted in *Votes and Proceedings* without any reference to the reservation made by the Minister. He is, therefore, confronted with an Order of the House in unqualified terms if he has not risen in his place to claim that certain documents are privileged as interdepartmental communications, confidential documents, private papers or whatever good reason there is, in the public interest, for not calling upon the Minister to produce the documents. He might very properly be said to be in contempt of the House if this reservation were not noted.

There is an instance of that kind the Prime Minister will be familiar with as he was a participant in the discussion. It arose in 1952. I will give the reference because it makes it clear that the practice we have been following in recent years was well established even then. The reference is contained in *Hansard* for 1952, April 28, page 1647, and that very point relating to the protection of the Minister in delaying his compliance with an Order of the House was at issue.

I express my personal view that it would be preferable for a Minister making reservations with respect to an Order for the production of documents to do so in terms as explicit as possible. There are at least two categories of such reservations, confidential papers, and documents to which other governments are a party. I note that the honourable Member for Burnaby-Coquitlam (Mr. Regier) states that this latter is not a proper category and that the honourable Member for Bonavista-Twillingate suggests that such an exception should not be allowed and that it would be better to defer the making of the Order until any necessary consent of another government had been obtained. Whether we follow this practice or not, I think that it would be desirable that