

Constituency Records

file is a constituency file while another may suggest it is a personal file. The matter could be settled finally in this way through arbitration.

The bill also provides a penalty, which is not light. In fact, it is greater than many penalties for summary conviction offences. The penalty is a fine of not more than \$1,000 and not less than \$500. I feel strongly that these files are held by us in trust for our constituents and there is no way a person should get away with a slap of the wrist or a suspended sentence. I think they should be fined, and this is something that we as members of parliament should recognize.

At page 3, clause 7 states that, in spite of this act, all other rights of an individual would be preserved, specifically the right to civil recourse against a member of parliament if he should destroy a constituent's file by shredding it or throwing it in the garbage. That member would have the right to sue for recovery or for compensation.

I realize I only have about a minute and a half left so I will try to wrap up this introduction very quickly. Perhaps this bill is not the best way of dealing with this matter. I would be glad to have the subject matter referred to a committee. Perhaps we might relate the bill only to files that have not been dealt with for two years or more. We could adopt the rule of sending such files back to constituents so they could deal with them. We could then state that the file is returned, it is in the constituent's hands and the constituent can do whatever he wishes with it. This would provide the member with a document showing that on such and such a date the file had been returned.

There may be other ways of dealing with this situation, but I would hope this matter could at least be sent to the committee as a general topic for discussion and consideration. This matter is of importance, just as the matter of conflict of interest is of importance. Let me emphasize that we hold these files in trust because of our position and we are not entitled to throw them away or destroy them. A constituent has a right to the file because the file deals with him, her or it, if a corporation is involved. I hope hon. members will give the bill consideration, and I will listen to their comments with interest.

Mr. D. M. Collenette (York East): Mr. Speaker, it is not my intention to speak at length this afternoon. The hon. member for Lanark-Renfrew-Carleton (Mr. Dick) often comes to this Chamber with a good idea, and he should be commended for at least attempting to come to grips with what obviously could be a problem. I do not think his bill is the appropriate way of dealing with the subject. Perhaps it would be better if the subject matter was sent to the Standing Committee on Privileges and Elections, or included in the deliberations in respect of the bill on the independence of parliament, which I understand will be going to the committee shortly. I say that in view of the undertakings by the President of Privy Council (Mr. MacEachen) recently as a result of allegations made by the hon. member for York-Simcoe (Mr. Stevens).

[Mr. Dick.]

• (1622)

As chairman of the Standing Committee on Privileges and Elections, I do not think it behooves me to move the subject matter of this bill to the committee because I believe in a certain amount of independence in that position. Certainly I would not object to another member moving the subject matter of the bill to committee.

There is an element of sadness really in discussing this topic, because if you go back to the British parliamentary tradition, going back 500 years, there has been a concept of what we would call the "honourable" member, the "honourable" gentleman or the "honourable" lady. To use a British expression, "it is good form"; it is good manners and good courtesy to pass on documents or files from one member to another when one is defeated.

In my particular case the former hon. member for York East, who was only here for 18 months, and whom I am sure the hon. member for Renfrew-Lanark-Carleton knows very well, was quite helpful in passing files on to me, especially in immigration cases, because we have a heavy immigration load in my constituency. Indeed, Mr. Arrol actually wrote letters to constituents after he was defeated on the basis that he was the member for the 29th parliament, and I believe he paid for postage out of his own pocket. I certainly did not object to that as a member of the 30th parliament because he was merely trying to clean up loose ends. I felt, having campaigned with this particular gentleman, that he was honourable enough that he would pass this information to me.

I know the opponent which the hon. member for Lanark-Renfrew-Carleton defeated in 1972, and I am quite surprised that this gentleman, whose name shall go unmentioned at the moment, acted in this way. I do not dispute the word of the hon. member opposite, but I am very much surprised by his allegation.

If we pass this bill or if this bill is allowed to go forward, what we are really doing is admitting that members in this place are somewhat less than honourable. Perhaps I am naive, perhaps I am clinging to ideals of another generation or age, but I do not think there is anything wrong with idealism. I would rather leave it to the discretion of the defeated member and accept his or her judgment as to what should be passed on.

The hon. member mentioned the case of York-Scarborough. My former colleague, Mr. Robert Stanbury, retired from this House last year, and he made provision with the members who share his constituency now—one of them, the hon. member for Scarborough East (Mr. O'Connell), who is in the chamber, the hon. member for Scarborough West (Mr. Martin) and myself—to share the load of his constituency work, which we have done. In my particular case in York East, some files and letters have been sent my way. I understand that that portion of his constituency which has no member at the moment is being looked after by the Minister of National Defence (Mr. Danson). So provisions have been made. Of course, it makes it much easier in that particular case because we are all of the same party.