

Correspondence on Surcharges

there was no problem; there was nothing to worry about, that we were only spreading gloom and doom when we said that there was unemployment and that there was a problem to be faced. This resolution may indicate that the government has something in mind. We know they have something in mind; they have the next general election in mind, but will they be able to do something about the serious unemployment situation?

I think, Mr. Chairman, I shall have to leave my remarks concerning what appears to be the terrifying subject of automation until a later time in this debate.

The Deputy Chairman: Shall the resolution carry?

Mr. Pickersgill: No, five o'clock.

The Deputy Chairman: It being five o'clock, it is my duty to leave the chair in order that the house may proceed to a consideration of private members' business, pursuant to section 3 of standing order 15.

Progress reported.

FINANCECORRESPONDENCE RESPECTING SURCHARGE
ORDER IN COUNCIL

The house resumed from Thursday, November 8, consideration of the motion of Mr. Martin (Essex East):

That an humble address be presented to His Excellency praying that he will cause to be laid before this house copies of correspondence or any documents exchanged between the Prime Minister or the Minister of Finance or any other minister of the crown and officers of the Department of Justice or the privy council or any other government department or agency on the subject of surcharge and imports order, P.C. 1962-902, dated June 24, 1962 and the amendment to the surcharge and imports order, P.C. 1962-987, dated July 11, 1962, and the import control list as amended by P.C. 1962-903, dated June 24, 1962, with particular reference to the legality of such orders.

Mr. G. W. Baldwin (Parliamentary Secretary to the Prime Minister): Mr. Speaker, when we previously adjourned discussion on this particular motion of the hon. member for Essex East (Mr. Martin) I had been dealing with the general rule against the compelling of the production of papers of a confidential nature prepared by officers of the government for the use of the government. It is a well entrenched, very wise and sensible rule, and I have given one or two illustrations of statements made by hon. members of the opposition which had confirmed our view.

Now I have come up with another gem, and this is a quotation from a speech made by an hon. member who, not so very long ago, had flown into a perfect frenzy in the

[Mr. Byrne.]

house because of what he termed the improper refusal of the government to produce papers. I shall give the reference later, unless of course the hon. member who used these words will claim paternity of them beforehand. They are:

—this notion that parliament and the public are entitled to see every document in the possession of a government department is wrong, that it is contrary to the constitution; indeed it is subversive in the proper meaning of that word, by which I mean if it were accepted and applied it would upset the whole British concept of responsible parliamentary government.

Mr. Pickersgill: The author of that is the hon. member for Bonavista-Twillingate, who does not take back one single word.

Mr. Baldwin: I am glad the hon. member recognized his foundling child and accepted paternity. It is true enough that in this particular motion there has been an attempt to narrow the approach, but I submit with all the strength I can, not in any way an attempt to change the rule itself; and that attempt comes about by reason of the fact that this resolution asks for the production of legal opinions dealing with the validity of an order in council.

The question then for discussion is, should we demand the production of legal opinions and advice prepared on a confidential basis by the law officers of the crown for the government and the ministers of the government? There has been an attempt by hon. members opposite to say "Well, this is a matter which should be distinguished; there are particular and special features about it; let us not deal with the rule at all." I can quite understand why hon. members do not wish to meet the rule face on, because they are doomed to failure if they do, and so they want to deal with this in a special manner without any regard to the rule. I submit we should not accommodate ourselves to this particular point of view.

I do not know what was in the legal opinion The Minister of Justice has said what the substance was, that it dealt with the question of the validity and it stated the procedure taken was proper and legal. I am dealing with this, Mr. Speaker, entirely on the question of a very important principle, and on that basis I am prepared to meet hon. members opposite.

The principle, and it is a very important and fundamental one, is that members of the government are entitled to receive from the law officers of the crown advice and opinions and memoranda, safe and secure in the knowledge that these memoranda, letters and opinions shall not be dragged out into the arena of political controversy. I suggest if this were not to be the case it would not be possible for members of the government on the one side, and law officers of the crown