

Motions for Papers

Having said that, I feel I must add that perhaps what we have here is what one might call an unprovided for case. In other words, if at the time the legislation was before the house we had had the foresight to realize that such a request might be made, we could have made provision for it in the legislation. We should have required that the commissions maintain the kind of records requested in this motion. Since we did not do that, although we are quite within our rights in making such a request I think it is inadvisable that we should seek to require the commission to do something which we did not anticipate in the legislation. In other words, as I understand the legislation all that was required was for the commissions to submit their findings to this house in respect of the proposed redistribution of constituency boundaries.

It is for that reason only, Mr. Speaker, that I do not feel I can support the motion. At the same time I think that any argument advanced by members of the government or by any other hon. member that it is not within the power of parliament to make this request, is not founded on fact. The hon. member for Bow River (Mr. Woolliams) has pointed out that he and some of his colleagues from Alberta are concerned about getting more information on what appears to them to be a rather mysterious proceeding on the part of the commission in that province in the establishment of a certain constituency. Perhaps consideration should be given to some amendment of the act which would clarify this situation. Then, if it is desired by parliament, certain records and certain forms could be kept by the commissions in respect of their hearings. In addition, and this pertains to the point raised by the Secretary of State, if we are going to do that perhaps it might be desirable also to spell out in the amendment the channel by which such documents would be laid before parliament.

My own feeling is that if any such amendment were being considered by parliament, in view of the fact that these commissions are not bodies responsible in any way to the government of the day it would be more appropriate perhaps that the channel be through His Honour the Speaker rather than through a particular member of the government. I feel that in a sense these bodies are different from any other. I simply throw out this suggestion, although I can see no real obstacle to parliament selecting the Secretary of State as the channel of communication

[Mr. Barnett.]

with commissions on matters of this kind. As I say, Mr. Speaker, while I agree we are within our rights I for one do not feel it desirable that we pass a motion at this time to do what is requested.

Hon. Marcel Lambert (Edmonton West): I have listened with interest, Mr. Speaker, to the arguments put forward by the hon. member for Restigouche-Madawaska (Mr. Dubé) and the hon. member for Comox-Alberni (Mr. Barnett). I feel that the hon. member for Comox-Alberni has adopted a bit of a humpy-dumpty attitude. I think if he examines the resolution he will find that some of the arguments he has advanced against the resolution would support the terms of the resolution. This motion does not directly order the Secretary of State (Miss LaMarsh) to produce any documents. It does not order the government to produce any documents. It does not order Mr. Speaker to produce any documents. It does not name any particular person. However, I would challenge anyone to assert that this house does not have legal authority to require the production of certain documents.

● (6:30 p.m.)

This house has not created any celestial body beyond the reach of a resolution of this house regarding any of the documents of the house. It has not been provided for in the statute that such production will not be the case. Therefore I find it most astonishing that the hon. member for Restigouche-Madawaska fell back—and this is a cardinal error for him as a lawyer—on a precedent in a matter that is totally different. He knows better than to cite the precedent of a case that is not on all fours with the present case. For that simple reason his argument falls to the ground.

The government is not being asked to do anything in particular as a result of this resolution. This resolution had its origin in two questions which I put on the order paper early this session and which the government, through the Secretary of State, delayed inordinately in answering, finally citing by way of reply the Canada Council precedent. That was a very arguable matter.

I put it to you, Mr. Speaker, that the Secretary of State was asked to reply to two questions, she being the normal channel for inquiries of this sort to be made in the house. It is not an inquiry which should be made of the Prime Minister (Mr. Pearson) or of any other minister. The reply may be a composite one and therefore comes through the Secretary of State who is the normal channel.