

I worry about the tone which has developed over the past few months and which has been somewhat exacerbated by the situation which arose on Tuesday last. Let me just to put this into perspective. You will recall the exchange between the Minister of Finance (Mr. Lalonde) and Leader of the Opposition (Mr. Mulroney) in which the Minister made reference to things written to his Department by the Leader of the Opposition in his private capacity as President of the Iron Ore Company. Because the Minister of Finance made reference to this correspondence, I rose and asked, in the interests of fairness and full disclosure of the documents cited by the Minister, whether or not it would be appropriate to ask that it be tabled. You quite rightly ruled, Sir, that it was not a point of order. The Minister of Finance then rose and indicated that the Leader of the Official Opposition had given his approval to the tabling of the documents, and some time later the documents were tabled. As I see it, the three questions are these: Are Members entitled to have access to documents which have been cited or quoted by a Minister of the Crown in response to a question or in the course of debate? I think that may well be the question you must answer, Sir. Second, should the Minister of Finance or any other Minister use such so-called private documents—and I will return to that in a moment—for the purpose of either reinforcing his own argument or for scoring political points during debate or in Question Period? Third, does a person who has written a letter in a private capacity to a ministry or Minister of the Crown lose the right of confidentiality—if that right exists—when he or she becomes elected to the House of Commons or to any other publicly elected body?

To deal, first of all, with whether the right to expect confidentiality exists, I think Beauchesne deals with that quite nicely. Beauchesne's says, on page 116, Citation No. 327(7):

When a letter, even though it may have been written originally as a private letter, becomes part of a record of a department, it becomes a public document, and if quoted by a Minister in debate, must be tabled on request.

It was because of that particular citation that I rose last Tuesday and asked that the letter, which had been in my judgement cited or quoted in debate, and it had certainly been paraphrased in debate, should now be tabled for all Members to view. I believe therefore that anyone who writes to a Department should be made aware of the existence of this citation. If a letter to the Government by a private citizen becomes part of the record of the Department and is subsequently referred to in debate or in answer to a question, quoted from or used to influence the outcome of the debate, it must be tabled if a request is made for tabling.

● (1540)

I hope that this at least lays to rest the matter of whether it was appropriate to table the documents. I suggest that it was appropriate to table the documents. The question really is whether it was appropriate for the Minister to have made reference to the documents. That is the question we have before us. I would be very concerned if it were interpreted by anyone that we were attempting to leave the impression that letters written by public figures are somehow immune from tabling in the event that a Minister in any political Party at

any time should choose, perhaps inadvisably or improperly, to make reference to or to quote from those letters in the House of Commons. The impression can be left with the citizenry that their correspondence with the Government on public matters which becomes part of the record of the Department has an absolute guarantee of non-disclosure. That has never been the case and is not the case now.

It may well be that it should become the case. It may well be that we should consider that letters written by private individuals to their Government should not be subject to the possibility of ministerial abuse or inadvertence, but should be considered private and not subject to tabling in the House of Commons. Likewise, they should then not be available to be quoted, referred to or cited.

If the suggestion is that this matter be referred to a committee for review, we would have to consider whether there was a breach of the etiquette of the House of Commons, the Standing Orders and the accepted practices. On the other hand, we must look at the degree of confidentiality that a citizen should expect to have in the event that he or she should wish to correspond with his or her Government. It may well be that no Minister of the Crown should be permitted to cite, quote from or refer to documents, letters or other forms of correspondence sent to the Department without the express permission of the person who sent the document. That should be what we are aiming for in an effort to protect the public.

The other two questions are political. The Minister should not have quoted. When he did, I sent him a note and asked whether the document was available for tabling. I wanted to be sure there was in fact a document before I asked that it should be tabled. I suspect that with the benefit of hindsight, this Minister would rather he had not made reference to the existence of such a letter. There is a lesson to be learned for all Ministers. There is a code of ethics that requires that no reference be made at all to documents such as this no matter what the heat of the moment, the political point that can be made or the political advantage that can be gained. The ultimate consequence of that would undoubtedly be that the document itself should be tabled.

The second political question before us is whether a person, by virtue of getting elected to the House of Commons, automatically waives the right to expect confidentiality of documents and letters sent to any Department of Government prior to getting elected. It would be an unfortunate interpretation that a letter written by someone in a private capacity becomes a public document by virtue of the fact that he was elected.

Looking at it overall, by virtue of having made reference to the document, and leaving the impression that contained within that document there are certain views which could influence both the public's and the Member's understanding of the exchange, it was appropriate to request that the document be tabled. However, having said that, it is appropriate that the Minister apologize, as he has, for having used documents which in actual fact ought not to have been used. At the root of it all we have to decide in the House of Commons that the