

(Text):

HONG KONG—MALTBY REPORT

Mr. BRACKEN:

For a copy of all correspondence, written communications or memoranda respecting oral or telephonic communications between (a) the British government and the Canadian High Commissioner's office in London; (b) the Canadian government and the British High Commissioner's office in Canada; (c) the British and Canadian governments, either through ministers of the crown or public office, relative to the Maltby report on Hong Kong made public by the British War Office on January 29 last.

Right Hon. W. L. MACKENZIE KING (Prime Minister): Mr. Speaker, I should like to read to the house the motion and then give my reasons for believing that the motion should not be accepted. The motion reads:

For a copy of all correspondence, written communications or memoranda respecting oral or telephone communications between (a) the British government and the Canadian High Commissioner's office in London; (b) the Canadian government and the British High Commissioner's office in Canada; (c) the British and Canadian governments, either through ministers of the crown or public office, relative to the Maltby report on Hong Kong made public by the British war office on January 29 last.

When I saw that motion I consulted the Clerk of the House, who is an authority on parliamentary practice and the rules of this house, and asked his opinion with reference to it. I now intend to read the opinion which has been given to me by Mr. Beauchesne, the Clerk of the House.

Mr. KNOWLES: I rise to a point of order. On a similar motion a moment ago Your Honour ruled that it was not debatable. Would that not also cover remarks made by the Prime Minister?

Mr. SPEAKER: The hon. member will realize that I put the motion to the house. It is a motion that an order of the house do issue for the production of certain papers. It is up to the government to decide whether the papers should be tabled, and if the government does not intend to table the papers the leader of the house should have an opportunity to say why. If there is no objection to the motion, the motion is carried, but practice always has been to permit the government to give its reasons when it feels that papers should not be tabled.

Mr. KNOWLES: My point of order is that when the Prime Minister goes beyond stating that he is opposed to the passing of the motion, is he not debating it from his side of the question?

Mr. SPEAKER: I am pretty sure that if the government said that it was opposed to producing papers and would not give any reasons, the hon. member would be the first to object. Is it the pleasure of the house to adopt the motion?

Mr. SMITH (Calgary West): On the point of order, surely if you rule that the Prime Minister is allowed to quote authorities *pro* a certain position, then other people should be allowed to quote authorities *contra* to that same position.

Mr. CHEVRIER: That has never been the practice nor the rule.

Mr. SPEAKER: I believe I am fair in stating that it is the practice to put the question to the house; and when the government has no objection the motion carries, but if the government has any objection I believe it would be the wish of hon. members to have some reason given. That is why the giving of reasons has always been permitted. Is it the pleasure of the house to adopt the motion?

Mr. MACKENZIE KING: Mr. Speaker, I have been in this house a great many years and I cannot recall an occasion when the government objected to the production of papers that it was not expected that the government would give its reasons for objecting. All I am doing is giving the House of Commons the reasons why the government cannot accept the motion of my hon. friend. I might have given this opinion in my own words, but I thought it would carry greater weight with the house, certainly with some hon. gentlemen opposite, if instead of giving my view I gave the view of the recognized authority in Canada on parliamentary practice and the rules of this House of Commons. For that reason I am reading the opinion that I received from that source. If the house would prefer that it be regarded as my own view, I shall give it as my own view. I think, as set forth, it is concisely stated by an authority who cannot be questioned. It reads:

Motion No. 4 calls for correspondence between the British government and the Canadian High Commissioner's office in London, and also between the Canadian government and the British High Commissioner's office in Canada.

It is unusual that the house be asked to order the production of papers exchanged between the United Kingdom government and an officer of the government of Canada; or between the latter and an officer of the United Kingdom government. The house, by adopting such a motion, would ignore the government's authority over its officers. If such action were established as a precedent, the result would be that the House of Commons, disregarding ministers' control over the members of their staff, could at any time resolve that, whether the minister or