

Motions for Papers

Mr. Speaker, I can quote the complete answer given by the then prime minister, the present Leader of the Opposition, which clearly creates a precedent. Here is his answer:

Mr. Speaker, these questions have to do with the Canada Council. Last autumn, on November 27, a question was asked by the hon. gentleman respecting the Canada Council and I refer to the answer appearing in *Hansard* at page 1558, where these words in particular are found:

Paragraph 23 of the act clearly specifies the manner in which the council is to report to parliament annually.

I should like to remind the hon. gentleman that when he asked that question last fall concerning the Canada Council it was pointed out that the council is not an agent of Her Majesty and that the Canada Council Act clearly specifies the manner in which the council is to report to parliament annually. The hon. member communicated with my office in order to ascertain how the information that he desires to secure might be procurable. I felt that it would be possible to make the request for the information to the council and for the council to be able to furnish it. However, the government does not have in its records the information requested, nor does it consider that it has the power to request information from the council other than that which will appear in the annual report.

It is therefore clear that the then prime minister refused to insist upon an answer from the Canada Council, because the latter is not an agent of Her Majesty and it must report to the house in a certain manner.

• (6:20 p.m.)

However, section 23 of the Canada Council Act reads as follows:

The chairman of the council shall, within three months after the termination of each fiscal year, submit to the member of the Queen's privy council for Canada designated by the governor in council for the purpose a report of all proceedings under this act for that fiscal year, including the financial statements of the council, and the auditor general's report thereon, and the member so designated shall cause such reports to be laid before parliament within fifteen days after the receipt thereof or, if parliament is not then sitting, on any of the first fifteen days next thereafter that parliament is sitting and provision shall be made for a review thereof by parliament.

Consequently, even if the Canada Council Act requires the council to report to the government through a minister, the then prime minister refused to demand the information from the council.

I suggest, Mr. Speaker, that this is all the more true as far as the Electoral Boundaries Commission is concerned; it is not in any way required to report to parliament through a minister. It must therefore be concluded that the government does not have and cannot

demand from the commission the information supplied to the Speaker by the representation commissioner. The only information the government is in a position to require of the commission, as I have said, is information already in the hands of the members of the house, and which has been supplied to the Speaker by the representation commissioner.

On the other hand, it may be that some information pertaining to the operations of the commission are already in the hands of the government or of various government departments. I suggest that such information, if any, should be made available to the members.

In brief, the government is not empowered, does not have the authority to demand from the Alberta commission or from any other Electoral Boundaries Commission, any information other than that already turned over to the Speaker and which is already in the hands of the members.

[English]

Mr. T. S. Barnett (Comox-Alberni): Mr. Speaker, I have been trying to follow the interesting argument presented by the hon. member for Restigouche-Madawaska (Mr. Dubé). While his argument may have been logical in one sense I submit that the whole of it was based on a false premise inasmuch as he implied that the resolution says something which it does not. The notice of motion asks that an order of the house do issue for certain documents. It does not request that the government do anything. If it were a request to the government to table documents not in the possession of the government, I think his argument would then have some merit.

I make this comment because I listened to the earlier discussion that took place on this subject between the Secretary of State (Miss LaMarsh) and the hon. member for Edmonton West (Mr. Lambert). I felt at the time, and this is really what I am rising to say, that the point made by the hon. member for Edmonton West was very well taken. Even granting the argument of the Secretary of State that the members of the government do not have authority under the act to require the Boundaries Commission to provide these documents, these bodies are set up by an act of this parliament and are responsible to parliament. If we deem it advisable to require the tabling of certain documents, then in my view we are within our rights in so requesting.