

Motions for Papers

QUEEN ELIZABETH HOTEL, MONTREAL

Mr. Diefenbaker:

For a copy of all letters and communications since the 1st day of August, 1954, written by the minister, deputy minister or any officials in the Department of Transport to the Canadian National Railways, or any officer or official thereof, concerning the leasing of or intended leasing or management agreement of the Queen Elizabeth hotel in the city of Montreal to the Hilton Hotels Corporation.

Mr. Marler: Mr. Speaker, on Monday, February 7, the house considered a motion by the hon. member for Prince Albert (Mr. Diefenbaker) asking for the production of correspondence between the Department of Transport and the Canadian National Railways respecting the so-called lease of the Queen Elizabeth hotel. I took the position that this concerned a matter of internal operation of the railway and that it should not be accepted by the house. That motion was dropped from the order paper.

The hon. member's motion which is now before us, while differently worded to some extent, is in effect the same as the motion which was dropped in that it requests, just as the other motion did, correspondence between the department and the Canadian National Railways in regard to the operation of the Queen Elizabeth hotel.

My position on this motion must be as it was on the previous motion. It seeks correspondence written by the minister, deputy minister or any officials in the Department of Transport to the Canadian National Railways or any officer or official thereof concerning the subject of the motion. Correspondence between departments of government and the Canadian National Railways has always been considered privileged, just as correspondence within departments is considered privileged.

With respect, I would ask, therefore, that the motion be withdrawn.

Mr. Diefenbaker: Mr. Speaker, do you allow any argument at the moment on that question? The question was raised the other day and at that time Your Honour said that you were making no ruling. In view of that fact and so that there would be no appeal from a decision as yet unmade and also out of respect to Your Honour, no appeal was made at that time. Is your Honour going to allow any argument at this time respecting this matter which has the effect of muzzling parliament in the search for truth? It is not the same motion as was made the other day; far from it.

Mr. Speaker: Would the hon. member allow me to say this? The other day I made an appeal. As the hon. member says, I did

[Mr. Speaker.]

not make a ruling. I just made an appeal that when these motions are refused for, if I may use the term, standard reason—and by that I mean for reasons which have always been invoked in similar circumstances by those who have occupied the treasury benches so far as I am able to ascertain, looking into the records—members should not provoke a recorded division on every occasion. That was the sort of appeal I was making, having in mind that we might expedite the business of the house if, whenever a motion of that type is refused, we were not to have a recorded division. That was the purpose of my appeal the other day. I did not intend to say anything today because I have had private conversations with some of my colleagues and it appeared that the remarks I had made the other day had worried some of them. If I had said anything today it would merely have been to put them at their ease. I recognize that in all cases when a motion is before the house the house, if it so wishes, must make a decision by whatever machinery is at its disposal. What the hon. member is asking me today has nothing to do with the remarks I made the other day. If he is influenced by what I said the other day, I repeat that he should be quite at ease because it was merely an appeal and it had to do with the situation whereby a recorded division is asked for on every occasion. As hon. members know, the opinion of the house is not necessarily made known by a recorded division. That was the only point I was trying to make the other day.

But what the hon. member has asked me today is if I will allow a debate. I am restricted by standing order 51. In moving his motion the hon. member indicated by placing an asterisk beside it that he did not wish to have a debate. Standing order 51 says:

Notices of motion for the production of papers which the member asking for the same intends to move without discussion, shall be marked by him with an asterisk and shall be placed by the Clerk on the order paper above "notices of motions", under the heading "notices of motions for the production of papers". All such notices when called shall be forthwith disposed of;

The last part of the standing order reads as follows:

but if on any such motion a debate be desired, it will be transferred by the Clerk to the order of "notices of motions".

It is the privilege, indeed, it is the right of any member of the house to ask that a notice of motion for the production of papers be transferred to notices of motions if a debate is desired. I know the hon. member will tell me, and not without justification, that when a minister stands up and says that he refuses the motion for such and such a reason he is debating the motion. Perhaps before giving