

in committee or in formal session in the House makes no difference. This is a public document, and whether the document is referred to by a member of the government, a government backbencher or a member of the opposition makes little difference: the hon. member can call for the document to be tabled.

● (9:00 p.m.)

To that extent I put it to Your Honour that the point of order raised by the hon. member for Peace River (Mr. Baldwin) was perfectly correct, and therefore the hon. member for St. John's East should be called upon to table the document.

Mr. Speaker: Order, please. I notice that a number of hon. members to the right of the Chair seem to be anxious to participate in the debate and, I assume, to give advice to the Chair along the lines that the point of order should not be accepted and the appeal should not be allowed. However, in all honesty I must tell hon. members that I am now prepared to give a ruling and I cannot think of anything that could be said by hon. members to my right which would influence me to change my course of action, having heard the points made by the hon. member for Edmonton West (Mr. Lambert) and the hon. member for Peace River (Mr. Baldwin).

If there are other arguments to be submitted for the guidance of the Chair by hon. members who wish to support the point of order and who think the appeal should be allowed, I am perfectly prepared to hear them and as a result I might be otherwise convinced; but I have to tell hon. members that I am not convinced at all by the arguments already advanced.

The hon. member for Peace River suggests that he has the onus of proof. He was perhaps generous in this regard. I do not think he necessarily has the onus of proof; I think it is a burden to be shared equally on both sides of the question. The matter should be looked at objectively by the Chair with this point in mind. Hon. members have suggested that because a public document, an official document, has been quoted by an hon. member, it should be tabled in the House. I suggest to hon. members that this has never been a rule of the House and I would be very surprised if any precedent could be quoted in support of the contention advanced by the hon. member for Peace River and by the hon. member for Edmonton West.

Hon. members well know, perhaps even better than the Chair, that documents can be tabled in the House under certain circumstances. If hon. members will turn to citation 209 of Beauchesne's Fourth Edition they will find the following passage:

Papers are laid before the House in pursuance of

- (1) Provisions of an act of Parliament;
- (2) An order of the House;
- (3) An address to the Crown;
- (4) The command of the Crown;
- (5) Standing Orders of the House.

Standing Orders of the House relating to the tabling of documents are the Standing Orders under which the hon.

member for St. John's East earlier today attempted to table the document in question. Here I refer to Standing Order 41(2) as follows:

A minister of the Crown, or a parliamentary secretary acting on behalf of a minister, may, in his place in the House, state that he proposes to lay upon the table of the House, any report or other papers dealing with a matter coming within the administrative responsibilities of the government—

I think hon. members know that this has reference to the tabling of documents on motions by a minister or by a parliamentary secretary on behalf of a minister.

The point is made that a document, having been referred to in debate, should be tabled. The rule in this respect is, again, well known. I refer hon. members to May's Seventeenth Edition, page 458:

Another rule or principle of debate may here be added. A minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House, unless he be prepared to lay it upon the table. This restraint is similar to the rule of evidence in courts of law, which prevents counsel from citing documents which have not been produced in evidence.

With due deference, I suggest to hon. members that the rule is clear, that it applies to an official document quoted in debate—not merely referred to, but cited and quoted in debate—and referred to in support of an argument by a minister of the Crown. This rule has never been otherwise interpreted by Speakers and has never been deemed by the House to be applicable to reference in debate to a document, official or otherwise, by an hon. member.

Even if the document in question is admitted to be an official document—and I do not quarrel with this interpretation by the hon. member for Peace River—this imposes no obligation and does not, I suggest, give to the hon. member who has quoted or referred to the document the right to table it. I suggest to hon. members that we would have a rather overcrowded table if every time an hon. member referred to an official document he was called upon to produce the document and place it on the table of the House. This has never been done and it has never been accepted that such is a rule of the House.

I suggest to hon. members, with respect, that the ruling of the Chairman of the committee was in accordance with the Standing Orders and with the practices of the House. Therefore I rule that the appeal cannot be allowed. The committee will now resume discussion of the bill that was before it.

And the House having resumed in committee:

The Chairman: House again in committee of the whole on Bill C-207.

On clause 14—*Establishment of Ministries of State.*

[*Translation*]

Mr. Fortin: Mr. Chairman, before clause 14 is passed, I wish to express the arguments that I was unable to put forward when I last took part in the debate since my time was up.