

Point of Order—Mr. Kaplan

Mr. Gray (Windsor West): He attempted to argue, when on his feet, that there may well have been grounds for withholding that letter from Parliament and the public. I want to make sure that it is understood that even if that document had not already been tabled in the House on May 1, 1980, it was a document which, under the clear precedents of this House, had to be tabled. The document in question was cited, so that, I submit, Mr. Speaker, under the terms set down in the precedents it would have to be tabled in this House, if requested.

Mr. Beatty: It is all rather academic at this point.

Mr. Gray (Windsor West): I just want to make sure that the suggestion the Government House Leader made earlier this day that somehow there were valid grounds for not producing the letter—even if it had not already been made a state paper, as the Government House Leader did not say—would not be a valid argument because the document in question was in fact quoted and was specifically used to influence the debate in the Question Period. I just want to make very clear, Mr. Speaker, that these are circumstances which would require the tabling of the letter, if that request were made.

It may be that this document is already a public document because it was tabled in the House on May 1, 1980. If that is the case, we will request copies of the document so that all can see what the letter is about and the context in which that document was used.

To conclude, Mr. Speaker, I would just like to stress that even if that document had not been tabled on May 1, 1980, the precedents are very clear that once we had requested that document, after it had been quoted at length in the House by the Prime Minister, it would have had to have been presented to the House in response to that request.

Mr. Hnatyshyn: Mr. Speaker, I now see what the Hon. House Leader of the Opposition is talking about, so I believe I can now address the point of order. What the Hon. House Leader tries to raise by way of a point of order is, of course, a hypothetical situation. I could not understand how the Opposition could be referring to a document which was already a public document, saying that it had to be tabled twice. So of course I was on my feet, as I usually am, trying to do the right thing. I said then to the Hon. House Leader of the Opposition that we could spend days, months, indeed years, tabling documents over and over and over again.

● (1630)

However, that is not the question. The Hon. House Leader of the Opposition is trying to have you, Mr. Speaker, rule on a hypothetical situation with respect to some document which may some day be quoted from, and to make a blanket observation with respect to documents quoted by a Minister of the Crown. There are a number of different types of documents, and I do not think I have to take any more time of the House on this except to say that in this particular instance it is fair to say that clearly it is quite proper for a Minister of the Crown to quote from a public document. I do not think there is any

question about that. That disposes of a point of order, I submit, with respect to what has transpired. That is precisely the admission made by the House Leader: the document is a public document. I do not think it would serve any purpose to speculate here. We can read Beauchesne's and consider each situation on its own merits, but I do not think we want to make some sort of general rule for the future with respect to categorizing any document which is quoted as being liable to be tabled. I think we have to look at each case on its own merits.

Mr. Speaker: Clearly the general point is correct. The Speaker can only be asked to rule on whether a particular document quoted from is covered by Beauchesne's. There are precedents on this question, and I am not quite sure that the Hon. Member for Windsor West (Mr. Gray) concluded. Is he arguing that the document should be tabled?

Mr. Gray (Windsor West): Mr. Speaker, if the Government House Leader (Mr. Hnatyshyn) is now saying that this document was tabled in 1980 and is therefore a public document, then I will be happy to send, in the appropriate way, for a copy of this paper. But I want to state at this time that that was not what he was saying earlier today. He was raising objections of a procedural nature. It is only later in the day, a few moments ago, that he informed the House that the document had been tabled. If he had said that right after Question Period when the point of order was raised, then we would not have got into this discussion. But I also want to make sure that a precedent is not inadvertently created which undermines the existing precedents concerning the necessity to table documents once they are quoted from in debate or in Question Period.

Mr. Hnatyshyn: Certain types of documents.

Mr. Speaker: As Members would expect, I have reviewed the tape and the statement as well as the precedents. That is what I am supposed to do. There is a very clear precedent from 1977 on exactly the same matter. Mr. Speaker was asked to rule and he said:

Yesterday on a point of order respecting the tabling of documents we dealt with a point concerning a document which was referred to by the right hon. Prime Minister (Mr. Trudeau) during an intervention... he indicated that he quoted from a document which... was a public document and that he was prepared to table it if the Chair saw no objection.

The Chair concluded, and I think properly, that he saw no—impediment to tabling a public document... if the Prime Minister is prepared to table it, the tabling will take place at the earliest opportunity.

That was the citation at the time. I think, given the precedents, it would be appropriate to ask that the letter which was quoted from be tabled.

Mr. Gray (Windsor West): Mr. Speaker, in light of what you have just said, I formally ask that the document in question now be tabled.

Mr. Speaker: I think I already said that this is appropriate. Given the precedents, having been asked to rule on the question, the only ruling I can make is that such a request is in