

*Point of Order—Mr. Epp*

whereby a minister of the Crown participating in discussion, who quotes from a document, is asked by the House or compelled by the House to table it or, in any case, upon the unanimous consent of the House which, I assume, is now forthcoming.

I mentioned earlier, Mr. Speaker, that I would make the case about the unanimous consent portion of the tabling of private correspondence. The Speaker continues, and I quote:

I take it that the minister has the consent of the House at this time—just to keep it perfectly clear that we are proceeding with consent—to table the letter referred to, and the enclosure. It can be done in that way, and the matter then becomes at least a part of our proceedings.

You will note that Mr. Speaker Jerome was careful to underline the fact that the letter in question was being tabled by unanimous consent. That was the issue there. Why was Mr. Speaker Jerome so careful to point out that this was the case? The answer lies in the fact that had the letter not been tabled by unanimous consent but merely through the initiative of the Minister, an ominous precedent would have been set. It is that ominous precedent, Mr. Speaker, that we are debating today.

When I said earlier that the tabling of personal correspondence or private information was not envisaged by the rules, I was drawing from the long-standing practices of the House and observations such as those made in Citation 357 of *Beauchesne's Fifth Edition*, which outlines the restrictions on written questions. Citation 357(1) notes in part that written or oral questions must not:

- (h) contain inferences;
- (i) contain imputations;
- (n) reflect on or relate to character or conduct of persons other than in a public capacity;
- (q) contain or imply charges of a personal character;
- (dd) deal with matters not officially connected with Government or Parliament, or which are of a private nature.
- (ee) relate to communications alleged to have passed between a Member and a Minister.

The Minister today raised the matter of a conversation.

(mm) reflect on the character or the conduct of the Speaker, the Deputy Speaker, members of either House of Parliament and Judges of High Courts.

The text notes that these matters can be dealt with only on a substantive motion.

(nn) relate to matters which passed outside the walls of the House and do not relate to any Bill or motion before the House.

Citation 357(2) notes that restrictions outlined above apply more strictly to written questions than to oral questions. It is interesting to note this distinction between oral questions which receive brief oral answers and written questions which entail usually written and more detailed answers than those provided through returns tabled in this House. Most of these same restrictions which apply to written questions under the heading of "Production of Papers" are outlined in *Beauchesne*. However, the most telling restriction which applies to orders for the production of papers is that, according to Citation 388 of *Beauchesne's Fifth Edition*, and I quote:

There is a general rule that papers should be ordered only on subjects which are of a public or official character.

It is important to note, Mr. Speaker, the words "public or official character". Citation 390 of *Beauchesne* casts further

light on the practices of the House with respect to the nature of documents which may be sought by motions for the production of papers. It reads in part as follows, and I will just read part of it, Mr. Speaker:

In 1973, the Government of the Day tabled in the House of Commons its view on the general principles governing Notices of Motions for Production of Papers—principles, although not formally approved by the House, but which have been followed since:

- (1) To enable Members of Parliament to secure factual information about the operations of Government to carry out their parliamentary duties and to make public as much factual information as possible, consistent with effective administration—

And the restrictions are:

—the protection of the security of the state, rights to privacy and other such matters, government papers, documents and consultant reports should be produced on Notice of Motion for the Production of Papers unless falling within the categories outlined below, in which case an exemption is to be claimed from production.

The exemptions then follow, Mr. Speaker. It can be demonstrated, therefore, Mr. Speaker, that there are many restrictions which apply to the type of information which Members of this House can request from the Government. It does not take any great depth of understanding to realize that these restrictions have been put in place because of the vast amount of information which is held by the federal Government, the release of which information would pose a serious threat in some cases to the security of the nation and the protection of the national interest, but which in most cases would pose a far greater threat to individual freedom and the right of privacy. That, Mr. Speaker, is what was violated last week.

Yet, Mr. Speaker, if last Thursday is any measure, all of these restrictions may be set aside if a Minister, for political reasons, determines that he or she wishes to refer to that information in the House and subsequently tables that information, thus bringing it into the public domain. We have even a further extension of that today by reference to a private conversation.

I challenge the right of the Minister of Finance or any other Minister to ignore the rules which apply to Members of this House not occupying the Treasury benches and to violate the rights of Canadian citizens by hiding behind the privileges of this House. The Leader of the Opposition (Mr. Mulroney), in writing to the Minister of Finance in his capacity as President of the Iron Ore Company of Canada on behalf of the company's employees, was engaged in a legitimate and, indeed, laudable activity, but he was not writing in the expectation that any such correspondence might later be produced by a government which would resort to any device in its desperate attempt to cling to power.

How many Canadians would commit their thoughts to paper and communicate with the Government if they thought that at some future date the Government might attempt to use such communications against them? Just this morning, Mr. Speaker, I received a call from a businessman who has informed his employees not to put anything in writing when they are writing to this Government unless they want the information to become public. The disquiet which this kind of practice creates in the minds of Canadians goes well beyond this House. Would