

Motions for Papers

that for the last minute or so I felt the same way. I feel that the hon. member is transgressing the rules by not coming to the very specific and limited point to be considered. I will recognize that this is a rule that is not always observed as well as it should be on both sides of the house, either on the part of those objecting to a motion or on the part of those asking for the production of documents. I am afraid we do manage from time to time in the course of discussion on this type of motion to get away from the very limited scope of discussion, which is whether the documents should or should not be produced. But even taking that into account it seems to me that the parliamentary secretary is going quite beyond this limited scope. He did say a moment ago that his remarks were introductory, but if he does not come to the point soon his 20 minutes will be over and he will not have enlightened the house or the Chair on the point whether or not these documents should be produced.

Mr. Badanai: I will accept your ruling, Mr. Speaker. May I simply say that this very important meeting followed the pattern of previous federal-provincial meetings. It was held in camera and at the end agreed upon material was released to the public press.

Now, it may be argued that these meetings are irrelevant to this question. But what is important here is that the participants agreed to participate, and they did participate on the understanding that they could have free, frank and private discussions. Had it been otherwise and the meetings been made public, they may have decided not to attend, or their course and the discussion might have been different, we do not know. But what we do know is that the provincial governments participated on the understanding that the full details of the meeting would not be made public.

There is a further matter of general principle involved here. Past practice has ruled that documents prepared for the advice of a minister are privileged. This also applies to documents prepared for internal use within a department. As an example, I wish to cite a motion moved on March 8, 1961, by Mr. Racine for a copy of coverage instructions C-411, C-440 to C-444 inclusive, and of any amendments thereto, with regard to employment in forestry, as contained in the new insurance coverage manual issued in October 1955 by the unemployment insurance commission, together with the corresponding instructions, etc. The hon. member for Ontario (Mr. Starr) who was then minister of labour,

[Mr. Deputy Speaker.]

had this to say, as reported at page 2780 of *Hansard* for March 8, 1961:

This is a request similar to one which appeared on the order paper under notices of motions for production of papers last week, and I can only offer my objection to it based on the decision of the unemployment insurance commission that the instructions which go out to the staff and which, taken together, constitute the manual of instructions, are of a confidential and private nature dealing with matters of internal administration which it would not be in the public interest to produce.

Then Mr. Speaker said:

In view of the explanation given by the minister, does the hon. member in whose name the motion stands wish to proceed?

Then the hon. member said:

I withdraw my motion.

May I point out to you, sir, that to my knowledge no member has ever previously insisted that working papers of a federal-provincial conference be made public. I submit that extensive discussion in the house about the conference itself has taken place, as recorded in *Hansard* at pages 319-20, 547, 579, 621, 754, 955, 1512, 3683-4, 4156, 4346, 6861, 8586-8, 8921 and 9782. Negotiations between the federal and provincial governments are still continuing in the field of Indian affairs. If confidential papers used in federal-provincial discussions were to be produced, federal and provincial governments would hesitate to engage in free and frank discussion. That is the sum and substance of the matter. Therefore I hope the hon. member for Skeena, who at times is very reasonable—

Mr. Howard: Always reasonable—

Mr. Badanai: —will accept this explanation and agree that this motion be accepted for the production of preliminary statements by the minister of documents which are not privileged.

Mr. H. E. Gray (Essex West): Mr. Speaker, in rising to speak to the matter of this particular motion for production of papers, I think I might be permitted to clarify a point which the hon. member for Greenwood (Mr. Brewin) raised as a question of privilege whereby, in calling for the proper expression of the name of his riding, he pointed out that it was "Greenwood" rather than "Deadwood". I think in view of the comment which he made during the course of a point of order in which I was participating, I should clarify that the riding I represent is Essex West and not "Essex somewhere".

Mr. Howard: Essex nowhere.