

Correspondence on Surcharges

aspects, but I want to run through the thoughts that come to my mind. First, with respect to the confidentiality of documents that may be a consideration of this house, Bourinot in his *Parliamentary Procedure*, fourth edition, makes certain observations. I mention these references, Mr. Speaker, particularly because the hon. member from Essex East in his opening remarks on this motion quoted from them but did not complete the quotations, and I feel they have considerable significance with respect to these types of document, whether they be public or private.

Mr. Pickersgill: Would the hon. gentleman permit a question? Could he speak more slowly.

Some hon. Members: Oh, oh.

Mr. Fairweather: Read the Toronto *Star* editorial of today. That might be useful.

Mr. Bell (Saint John-Albert): Mr. Speaker, I am always pleased to co-operate, particularly with regard to any matter the hon. member from Bonavista-Twillingate has difficulty understanding. I may say, judging by the list under his name in the *Hansard* index and his various interjections and points of order, that this includes nearly everything we have discussed this session. I refer to Bourinot's fourth edition, page 251:

The practice of asking for reports from officers, addressed to particular departments of the executive government, is considered to be open to serious objection. As to "confidential documents" passing between officers of a department, Mr. Speaker Peel observes:—"They are not necessarily laid on the table of the house especially if the minister declares they are of a confidential character."

He continues:

"If a minister stated in his place that a document was of that class, the house should take his word and he was not bound to lay it on the table."

I omit some of the references I have here in order to get all my thoughts on the record of *Hansard* this evening.

I will quote now from May at page 254:

However ample the power of each house to enforce the production of papers, sufficient cause must be shown for the exercise of that power and if considerations of public policy can be urged the motion for papers is either withdrawn or otherwise dealt with according to the judgment of the house.

This follows my argument with respect to the confidentiality of documents. I refer now to the same issue of Beauchesne at page 179 where it is stated:

A motion for a return may be opposed on the ground of public policy, such as that the disclosure of the information sought is not in the public interest or that its supply would involve unreasonable labour or expenses.

Then there is the part of the quotation from May which the hon. member for Essex East

[Mr. Bell (Saint John-Albert).]

in his opening remarks neglected to make clear. I think it is a most significant argument with respect to the first part of this whole discussion concerning the confidential nature of all these documents. This is from May's sixteenth edition at page 273:

Returns may be moved for, either by order or address relating to any public matter over which the house or the crown has jurisdiction. They may be obtained from all public offices, and from corporations, bodies, or offices constituted for public purposes, by acts of parliament or otherwise: but not from private associations, such as Lloyd's, nor from individuals not exercising public functions. The papers and correspondence sought from government departments should be of a public and official character, and not private or confidential.

In other words, the hon. member for Essex East quoted from this page in his opening remarks but did not distinguish between the type of information which is private and confidential and that which is not.

There are also a number of passages in *Hansard* which have relation to this matter of confidentiality. I refer particularly to the debates in the House of Commons, and there were many of them, in the 1955 session reported in volume 3, page 2434. This particular passage concerned the then minister of national defence, Mr. Campney. The motion was moved by the present Minister of Public Works (Mr. Fulton). I will quote Mr. Campney's words because they have some significance.

As my hon. friend from Kamloops (Mr. Fulton) is, I am sure, well aware, the reports made by the chief auditor of the Department of National Defence are confidential documents dealing with investigations into the internal investigations of the department and are a means of checking the efficacy of the administrative practices of the department. They are prepared solely for the guidance of senior officers of the department. It has long been the custom in this house to regard such documents as privileged and I will therefore have to oppose this motion.

There are other instances. I recall the former minister of citizenship and immigration who is now, by the will of the Canadian people, merely the hon. member who sits for Bonavista-Twillingate making some remarks which bore out this contention.

Mr. Pickersgill: Mr. Speaker, I reluctantly rise on a point of order. I believe there is a rule in this house against tedious repetition and it seems to me that the hon. gentleman has so far transgressed the rule on both counts, particularly when for about the twentieth time in this debate I am quoted by the other side as an authority. Otherwise, perhaps I would not have raised the point. I suggest to the hon. member that he should let this matter be determined tonight—that