

with a member of the Crown or, for that matter, a Member of Parliament?

What we had tabled today in the House of Commons was that not only letters but also conversations held in private could now be subject to exposure, debate and interpretation on the floor of this House. All of us have been in enough private conversations and meetings to know that misrepresentation of what is said or interpretation of what is said can very easily follow. It is in that context that I rise today to make the following points.

There is a question in my mind as to the procedural acceptability of the tabling of such papers by Ministers. Specifically, I believe that in order to table such papers the Minister would have required the unanimous consent of the House. I intend to make that case. There can be no doubt that Private Members of this House have no authority to lay papers on the Table, outside of a very few specific documents such as motion, Bills and petitions. That is a restriction for all of us. Therefore, had a Private Member attempted to do what the Minister of Finance did, he would have been ruled out of order by the Chair.

Admittedly, the practices of the House provide greater opportunity for Ministers to table various documents and we are aware of those. Standing Order 46 in particular lays out certain requirements placed on Ministers to table documents. Standing Order 46(1) provides that any papers required to be tabled in the House pursuant to any Act, resolution or Standing Order may be deposited with the Clerk on any sitting day. Standing Order 46(2) permits any Minister or Parliamentary Secretary acting on behalf of a Minister to table a report or other paper dealing with a matter coming within the administrative responsibilities of the Government. A further practice which may "require" and not "permit" a Minister to table a document is the rule that documents cited in debate or during Question Period by a Minister must be tabled if so requested by other Members, except in cases when the release of such documents would be contrary in some manner to the national interest.

It would seem that the mere mention of correspondence by a Minister during the course of Question Period would be sufficient to permit any Member of the House, including a member of the Government Party, to rise in his or her place and request that such correspondence be tabled. Indeed, if that correspondence dealt in any way, shape or form with matters falling within the Minister's administrative competence, the Standing Orders would seem, at first blush, to permit the Minister to rise in the House and lay the papers on the Table or to file them with the Clerk of the House during the sitting day, and thereafter that correspondence would become a public document. We understand that. It would be kept on file in the Journals Branch as a sessional paper. All of this could be done at the Minister's initiative without a request from another Member.

However, reason suggests that there must be some practical limit to the authority of the Ministry to scour Government files and make their contents public. Otherwise, it would be

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altogether too easy for a government so inclined to carry out a vindictive and arbitrary campaign against individual citizens, political opponents, newspaper columnists, what have you—indeed against anyone who might dissent from the views of the Government.

Because the actions and words of Members in the House are largely immune from legal constraints or consequences, the individual would have no recourse if taxation records, health records, personal correspondence with government agencies and departments or any other information were to be made public through tabling in this House.

Would free thought and independent action long survive in a country where authoritarian practices were condoned and encouraged by the rules of that nation's legislative bodies? The answer obviously is no. It is for that reason that the rules of the House of Commons do not provide for the tabling of private papers and documents, and it is for that reason that the House of Commons has passed information laws and has provided for a Privacy Commissioner.

Looking back to the rulings of your predecessors, Mr. Speaker, one discovers that private correspondence, for example, was deemed to be outside of the class of documents permitted to be tabled pursuant to the Standing Orders. In support of this contention, I would draw to your attention a ruling of Mr. Speaker Lamoureux, found at page 9135 of *Hansard* for January 8, 1974 where the following is found. To put it in context, the late Right Hon. Member for Prince Albert had been asking for certain information relating to the RCMP. The then Solicitor General, the Hon. Member for Notre-Dame-de-Grâce-Lachine East (Mr. Allmand), was willing that day to put the papers on the Table, including correspondence that the Right Hon. Member had written as a Private Member of this House to the Solicitor General. Your predecessor said, and I quote from the page I cited:

MR. SPEAKER: The Chair has some procedural reservations about what is proposed by the Solicitor General. The point made by the right hon. gentleman certainly deserves serious consideration. I wonder whether it is competent on a minister, under the Standing Order, to propose to table copies of a letter addressed to another member. I would think that a minister is always justified under the Standing Order in tabling what the Standing Order identifies as a document or paper, but I would doubt whether that would extend to an exchange of correspondence between a minister and a member. I would think that that part of the proposed tabling by the minister might be held in abeyance.

Clearly, the tabling of correspondence between a Member and a Minister was deemed to be irregular with respect to the rules of this House in 1974.

● (1510)

On June 1, 1978 *Hansard* recorded another interesting exchange which sheds further light on the practices of the House with respect to the tabling of correspondence. At that time the then Minister of Justice referred to a letter sent to him by a Member then sitting on this side of the House. The Speaker's comments found on page 5955 of *Hansard* on that date are enlightening, and I quote:

MR. SPEAKER: The Minister of Justice (Mr. Basford) made reference to the letter and, I think, quoted from it. At least I hope he did. The House is obviously generally interested in having the letter tabled, either under our practice