

## HOUSE OF COMMONS

Monday, February 3, 1969

The house met at 2 p.m.

### ROUTINE PROCEEDINGS

#### PRIVILEGE

MR. BALDWIN—RULING BY MR. SPEAKER ON ALLEGED IRREGULARITY IN TABLING OF DOCUMENTS

**Mr. Speaker:** On Thursday last the hon. member for Peace River (Mr. Baldwin) rose on a question of privilege in relation to the tabling of a report by the Secretary of State (Mr. Pelletier). When tabling the paper, the Secretary of State used the following words:

Mr. Speaker, I should like to table a report concerning the security agents in some of our national museums, which report constitutes a reply to the numerous questions put to me in the house in the last few days.

The report appears to have been presented to the house under Standing Order 41(2). The hon. member for Peace River has expressed the view that the terms of the Standing Order are not sufficiently broad to include the tabling of that particular document. The hon. member has been supported in his contention by the hon. member for Winnipeg North Centre (Mr. Knowles) and the hon. member for Edmonton West (Mr. Lambert).

The hon. member for Winnipeg North Centre has submitted the additional argument that the Secretary of State contravened the rules and practice of the house when he replied to oral questions by tabling the answer under the provisions of Standing Order 41(2). In reply to these objections, the President of the Privy Council (Mr. Macdonald) suggests that Standing Order 41(2) should be given a wide, rather than a restrictive, interpretation. The substance of the minister's argument is summed up in the following words reported at page 4928 of *Hansard* of Thursday, January 30:

• (2:10 p.m.)

While Standing Order 41 (1) is really quite precise as to the documents referred to, Standing Order 41 (2) is in the broadest possible terms. It permits a minister or a parliamentary secretary to lay on the table of the house any report or

other paper dealing with a matter coming within the administrative responsibilities of the government. I believe that the Chair should give the widest interpretation to those words.

Later Thursday afternoon, after the hon. member for Peace River (Mr. Baldwin) had raised his question of privilege, the Minister of Finance (Mr. Benson) tabled a notice of motion to amend the Income Tax Act and the Estate Tax Act pursuant to Standing Order 60, subsection (1).

Then, pursuant to Standing Order 41(2) he attempted to lay on the table a document which the minister described as "explaining the ways and means motion and giving some illustrations of the consequent changes in taxes".

The hon. member for Edmonton West (Mr. Lambert), supported in his views by the hon. member for Winnipeg North Centre (Mr. Knowles), took exception to the procedure. The Chair then suggested that no further proceedings be taken and that the tabling be held in abeyance while the point of order and the previous question of privilege were being considered.

[Translation]

It is fitting to consider first the question of privilege raised by the hon. member for Peace River (Mr. Baldwin) about the tabling of a document by the Secretary of State (Mr. Pelletier). The hon. member, as well as others who supported his question of privilege, contend that the said document is not one which can be tabled under standing order 41(2). Secondly, they argue that the minister erred when he attempted to reply to questions put by some hon. members by another method than that prescribed by the standing orders. After much thought, I must decide in favour of the hon. members who questioned the procedure used, and especially the hon. member for Winnipeg North Centre (Mr. Knowles) who raised the second objection.

According to the standing orders, a question put during the daily oral question period may be answered either by an oral answer, by an order for return or by a ministerial statement on motions. I must express the opinion that the new standing order 41(2) does not provide for the establishment of a new procedure or answering oral questions.