

*Point of Order—Mr. Epp*

unanimous consent but it was not a ruling by Mr. Speaker Jerome that such tabling could only be done by unanimous consent.

In the opinion of the Chair, the Minister of Finance did not require unanimous consent to table the documents pursuant to Standing Order 46(2).

This leads me to the second point that the Hon. Member for Provencher made, which relates to the interpretation of Standing Order 46(2). The Hon. Member stated that the correspondence that the Minister of Finance tabled last Friday was of a private nature and, therefore, should not have been tabled since it was not a matter "coming within the administrative responsibilities of the Government", as required by the Standing Order. The Hon. Member for Hamilton Mountain (Mr. Deans) in speaking to that point quoted Citation 327, paragraph 7 of Beauchesne's Fifth Edition, which states:

When a letter, even though it may have been written originally as a private letter, becomes part of a record of a department, it becomes a public document, and if quoted by a Minister in debate, must be tabled on request.

The authority for this citation is found in a ruling made by Speaker Lamoureux on February 22, 1972, and he was very precise when he said:

This has always been the difficulty in the past—to determine what is a public document and what is a private document. My thought is that if a letter, even though it might have been written originally as a private letter, becomes part of the record of a department it becomes at that point a public document and a state paper. It seems to me that the documents to which the Minister has referred are part of the official penitentiary papers or are documents within the possession of the penitentiary officials of the department, and I would... think that any document of this kind which is cited... by the Minister ought to be tabled in the House.

Thirdly, the Hon. Member referred to the practice that correspondence between a Private Member and a Minister should not be tabled. He quoted Citation 379, paragraph 1, and a reference to *Hansard* of January 8, 1974, where the then Speaker disallowed the tabling of such correspondence. I agree with the Hon. Member. It has been a practice of this House not to allow the tabling of correspondence between a Minister and a Member. However, I must point out that the correspondence that was tabled in this case was correspondence exchanged with the Minister of Finance before the Hon. Leader of the Official Opposition (Mr. Mulroney) was a Member of this House. The Chair is very hesitant to extend the usual exemption to correspondence or documents that pre-date the election of a Member to the House of Commons. That would be a major departure from the spirit of that rule and the special status afforded to all Hon. Members.

Fourthly, the Hon. Member for Provencher also stated that the Minister could only table a document when he was required to do so, either pursuant to Standing Order 46, or in conformity with the long established practice whereby a Minister, having quoted a document, would be compelled to produce it. In answer to that argument, I must tell him that Citation 379, paragraph 2 of Beauchesne's Fifth Edition makes it quite clear that papers can be laid before the House voluntarily by a Minister under the provisions of Standing Order 46, and that this is a frequent occurrence. To interpret the rule differently would not be in the best interest of both

sides of the House. Furthermore, the record indicates that the Minister was challenged to do so by the Hon. Leader of the Official Opposition, the Hon. Member for Yukon (Mr. Nielsen) and the Hon. Member for Hamilton Mountain.

The Hon. Members for Durham-Northumberland (Mr. Lawrence) and St. John's East (Mr. McGrath) have asked me to look at the provisions of the Privacy Act, more particularly Sections 4 and 40 of that Statute. The only obligation or duty conferred on the Speaker that I found in the Privacy Act is that of tabling in the House the reports made by the Privacy Commissioner pursuant to Sections 38 and 39 of the said Act. The office of the Speaker is mentioned nowhere else in that Act.

My respectful submission on this point, and it has been the submission of all my predecessors, is that the Speaker rules only on points of procedure. Standing Order 15(1) empowers the Chair to decide questions of order. Questions of law are decided by the courts. The Speaker has no role or responsibility in the specific interpretation of the Privacy Act.

● (1520)

The Hon. Member for Perth (Mr. Jarvis), in his intervention, pointed out discrepancies between the English and French texts of the document tabled by the Minister of Finance. The Chair recognizes that the Hon. Member may have a point, but his point relates clearly to the interpretation he has given to the remarks made by the Minister of Finance and not to the irregularity in the procedure for the tabling of documents. The Chair, I hasten to add, does not pronounce on the value, the exactness or the quality of the translation of the content of documents laid upon the Table by Ministers of the Crown. The Chair must address only the process and practice of the tabling of such documents.

The Hon. Member for St. John's East (Mr. McGrath), in his remarks, invoked Standing Order 39 and referred to Citations 145 and 150 of Beauchesne's Fourth Edition and my own recent ruling on January 24, 1984. I have reviewed carefully all the references he advanced and must tell him I found little that I could relate to this point of order. The thrust of his intervention dealt with a procedure completely different from that of the tabling of documents; namely that of making a formal charge. Whatever allegations may have been made in the context of this unfortunate incident, no substantive accusation of criminal or improper conduct as envisaged by Standing Order 39 has been made against the Leader of the Official Opposition.

Finally, Hon. Members have asked the Chair to rule on the propriety of the Minister's actions in releasing what he considers a private representation by the then President of the Iron Ore Company of Canada on behalf of his employees. It is well known that the occupants of the Chair do not rule on matters of propriety and thankfully so. The role of the Speaker is to rule on matters of procedure. Whether or not a Minister acts properly or whether or not he has committed a breach of trust by releasing private correspondence is not a matter which falls within the responsibility of the Speaker. The Minister has