

Motions for Papers

of the hon. member for Winnipeg North because the Norris Commission has made its final report, and I would gather that under the law it has gone out of existence. The only body that has the power under the present law to have these documents produced no longer exists.

The only step, as I have suggested, which would properly permit this body to bring about the production of these documents is an amendment to the legislation which makes them confidential. Because of the very dangerous principle that seems to be involved in the notice of motion which the hon. member for Winnipeg North has presented to us, it would seem to me that the motion should be withdrawn.

It is no reflection on him that he is not here today to speak on this point. It may well be that he has other urgent business to attend to. Had he been here he might well have risen in his place to agree that this notice of motion be withdrawn. It may well be that other members of his party who are here would be authorized to call for the withdrawal of this motion to avoid creating a precedent which would be dangerous to the rights of individuals generally who have reason to feel and believe that because of legislation passed by parliament documents and information produced by them under the command of such legislation would remain confidential until the legislation is amended.

It might be said: Well, does this mean that nothing will happen if someone gets a look at the document in question? I say that the legislation itself contains its own remedy where it permits the application of penalties to people who are proven to have contravened that law. I am not suggesting that this is necessarily the case here. The fact is that the legislation does contain its own remedy if somebody can be proven to have acted improperly in taking a look at the documents in question. For the reasons I have presented to you, Mr. Speaker, I ask that the house reject this notice of motion.

Mr. Richard Cashin (St. John's West): Mr. Speaker, I believe the hon. member for Essex West (Mr. Gray) has presented a very clear and concise case for the rejection of the motion before the house. I should like to make a few comments about it.

In making my remarks in public I wish to point out that I am as concerned as many people are about the Canadian position of keeping some things private. However, I am not sure that the policy on production of

[Mr. Gray.]

papers generally in the House of Commons is as clear as it ought to be. Perhaps at some future date this matter can be dealt with more thoroughly.

We do know that in England all such documents as are raised by the motion are deemed private unless specifically designated as public in a statute. Sweden has the reverse approach. But in this country we have a long tradition of a more or less in between position. I would think that this particular motion in the way it is brought is not the way to bring about a change in our system.

It may well be that the hon. member acknowledges that this motion falls short of being acceptable. It may be that he wishes to indicate that the present system respecting confidential documents is in need of change. I do not think it would be advisable for us to go about changing anything in this indirect fashion. The law as set out in the Industrial Relations and Disputes Investigation Act is quite clear and I think it would be wrong for us to fly in the face of that law and to circumvent it by the back door, as suggested by the hon. member for Winnipeg North.

I believe there would be many undesirable reactions to changing the law in this way. If this motion were to pass I feel that the government as a matter of principle would probably have to refer this whole matter to the Supreme Court of Canada for a decision.

We may not agree with the system that exists in Canada today but I think it would be most undesirable for us to change it in this particular fashion. May I also say that to do it in this way might involve other things. The hon. member for Essex West has pointed out the example of income tax. There are very good reasons why, if this motion were allowed to pass, this same reasoning could be used in respect of income tax documents or other private documents.

I would also suggest that while our law stands as it is it would not do to appoint a commissioner or committee to look into something with respect to the law and then say: This is the law but at some time in a rather surreptitious way parliament may undermine your position. This would put any judge or commissioner in an untenable position. I think we should be clear and straightforward.

If we do not like the law I think we ought to try to bring about ways and means to change it but I do not think it ought to be done in this surreptitious way.

Mr. Speaker: Order, please. It being seven o'clock the house will return to the business interrupted by private members' hour.