

APPENDIX "B"

NOTICES OF MOTION FOR THE PRODUCTION OF PAPERS

General Principle

To enable Members of Parliament to secure factual information about the operations of government to carry out their parliamentary duties and to make public as much factual information as possible consistent with effective administration, the protection of the security of the state, rights to privacy and other such matters, government papers, documents and consultant reports should be produced on Notice of Motion for the Production of Papers unless falling within the categories outlined below in which case an exemption is to be claimed from production.

Exemptions

The following criteria are to be applied in determining if government papers or documents should be exempt from production:

1. Legal opinions or advice provided for the use of the government.
2. Papers, the release of which would be detrimental to the security of the State.
3. Papers dealing with international relations, the release of which might be detrimental to the future conduct of Canada's foreign relations; (the release of papers received from other countries to be subject to the consent of the originating country).
4. Papers, the release of which might be detrimental to the future conduct of federal-provincial relations or the relations of provinces inter se; (the release of papers received from provinces to be subject to the consent of the originating province).
5. Papers containing information, the release of which could allow or result in direct personal financial gain or loss by a person or a group of persons.
6. Papers reflecting on the personal competence or character of an individual.
7. Papers of a voluminous character or which would require an inordinate cost or length of time to prepare.
8. Papers relating to the business of the Senate.
9. Papers, the release of which would be personally embarrassing to Her Majesty or the Royal Family or official representatives of Her Majesty.
10. Papers relating to negotiations leading up to a contract until the contract has been executed or the negotiations have been concluded.
11. Papers that are excluded from disclosure by statute.

12. Cabinet documents and those documents which include a Privy Council confidence.

13. Any proceedings before a court of justice or a judicial inquiry of any sort.

14. Papers that are private or confidential and not of a public or official character.

15. Internal departmental memoranda.

16. Papers requested, submitted or received in confidence by the government from sources outside the government.

Ministers' Correspondence

Ministers' correspondence of a personal nature, or dealing with constituency or general political matters, should not be identified with government papers and therefore should not be subject to production in the House.

Consultant Studies

In the case of consultant studies, the following guidelines are to be applied:

1. Consultant studies, the nature of which is identifiable and comparable to work that would be done within the Public Service, should be treated as such (the reports and also the terms of reference) when consideration is being given to their release.

2. Consultant studies, the nature of which is identifiable and comparable to the kind of investigation of public policy for which the alternative would be a Royal Commission, should be treated as such and both the terms of reference for such studies and the resulting reports should be produced.

3. Prior to engaging the services of a consultant, Ministers are to decide in which category the study belongs, and in cases of doubt are to seek the advice of their colleagues.

4. Regardless of the decision as to which category (1. or 2. above) the consultant report will belong, the terms of reference and contract for the consultant study are to ensure that the resulting report comprises two or more volumes, one of which is to be the recommendations while the other volume(s) is (are) to be the facts and the analysis of the study. The purpose of this separation is to facilitate the release of the factual and analytical portions (providing that the material is not covered by the exemptions listed above) enabling the recommendations (which, in the case of studies under category 1., would be exempt from production) to be separated for consideration by Ministers.

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