

HOUSE OF COMMONS

Thursday, January 30, 1969

The house met at 2 p.m.

ROUTINE PROCEEDINGS

PRIVILEGE

MR. BALDWIN—ALLEGED IRREGULARITY IN
TABLING OF DOCUMENT

Mr. G. W. Baldwin (Peace River): Mr. Speaker, I rise on a question of privilege at this time which I think affects in a very substantial way the privileges, rights and prerogatives of all hon. members of this house. I have given notice, of course, in accordance with the appropriate standing order.

My question of privilege deals with a paper tabled yesterday by the Secretary of State (Mr. Pelletier) which purports to be presented and given on the records of this house under standing order 41(2), a new rule which has just come into effect this year. The document in question is simply headed "The Commissionaire Affair." It has no other heading and is not signed.

This document of course deals with a question which has been a very controversial one. I assure Your Honour it is not my intention to recapitulate the details of that, other than to say there is no question about the fact that the issue was the subject of very considerable questioning in this house and controversy in and out of the house. It touches not only the individuals concerned, but a very important issue which involves the people of this country. For this reason, it is no light matter which was discussed. The document in effect purports to be an explanation, I would assume by the Secretary of State, of his side of the argument on the controversy which took place.

● (2:10 p.m.)

It is my submission that the document should not have been tabled under the circumstances it was tabled yesterday. It might well be said that I should have dealt with this matter on a point of order yesterday but it was utterly impossible to do so because the document was tabled and no previous notice was given. It is only after documents have

been tabled that hon. members are in a position to obtain copies and come to a conclusion as to whether the document in question is one which a minister or a parliamentary secretary is entitled to table under the terms of the pertinent standing order.

I have looked at this matter very carefully, sir, and it is a very important matter which involves a new rule. Your Honour will no doubt come to a decision in this regard, and probably lend your name to a leading case, as you will no doubt do during a number of situations as these new rules develop. For this reason I am going to take a little time to outline the matter in detail, and my reason for rising on this question of privilege.

Standing order 41(1) replaces standing order 40 and provides that a return, record or other paper required to be filed by statute or a regulation may in fact be filed by being tabled in this house. That is a prerogative right which is given to ministers of the Crown. The practice has also grown over the years whereby documents which do not fall within this description, but of an official nature, have been tabled by consent or leave of the house. There is a very sound reason for this.

On one or two occasions before the Christmas recess, and I am dealing with this chronologically, attempts were made by ministers of the Crown to obtain the leave of the house, under the guise of that particular practice to table what were in fact press releases. At that time I suggested it was an iniquitous practice and should not be allowed. Of course leave was not given.

This matter came up for discussion during the course of meetings of the procedure committee. A proposal was made, which was subsequently reduced to writing and became standing order 41(2), to the effect that with the leave of the house a minister or parliamentary secretary would be entitled to table the document or to use the exact wording, "any report or other paper". There was no condition precedent requiring the consent or leave of the house.

It is my submission there are very definite limitations to that right. Certainly when this matter was considered in the committee I made my opinions quite clear. I believe this