

Point of Order—Mr. Nielsen

That, notwithstanding any previous order, the Special Joint Committee on the Constitution of Canada shall complete its work and make its final report not later than February 13, 1981; and

That a message be sent to the Senate to acquaint Their Honours thereof.

It is clearly spelled out in the motion that it is to be no later than February 13. However, it is still possible, and I would even say likely, that the committee may report earlier than February 13. It would not go against the motion if that were to happen.

Madam Speaker: The House has heard the terms of the motion. Is it agreed?

Some hon. Members: Agreed.

Motion agreed to.

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POINTS OF ORDER

MR. NIELSEN—THE CONSTITUTION—TABLING OF LETTER FROM BRITISH PRIME MINISTER

Hon. Erik Nielsen (Yukon): Madam Speaker, I rise on a point of order of which I gave you notice yesterday. I will be as brief as possible. It concerns the tabling of documents in this House. You will recall, Madam Speaker, that reference was made yesterday, and I will deal with it in more detail in a moment or so, to a letter upon which reliance was placed when making certain points of debate. Reference was made by the Secretary of State for External Affairs (Mr. MacGuigan) on the program "Question Period" last Sunday, February 1, to a letter from the government at Westminster giving assurance that this government's constitutional package would be processed without question at Westminster.

As you know, Madam Speaker, the nature of those assurances, if any, has become a matter of dispute in this House. On both Monday and Tuesday, the Secretary of State for External Affairs used the letter from Prime Minister Thatcher to support the contention of the minister and of the Prime Minister (Mr. Trudeau) that very sweeping promises had been made by the government at Westminster.

On Monday in this House the Prime Minister said, as reported at page 6769 of *Hansard*, and I quote:

It was a letter from the British Prime Minister. In it she said in essence what every British minister has said—and what the Prime Minister herself has said since the beginning—that the trouble was with the timing, not with the substance, and that they had no doubt that with a request from the Canadian Parliament they would have no choice but to put it through. She did say, as I told the House Friday, that the ministers had been told in September or October that with a charter in the package it would be more difficult. That was the position the British Prime Minister took.

Then there was an interjection by the Leader of the Opposition (Mr. Clark):

Will you table it?

Yesterday the Secretary of State for External Affairs said, and I quote from page 6817 of *Hansard*:

—that assurance was contained in a letter from Prime Minister Thatcher to our Prime Minister and it was to the effect that the government of the United

Kingdom would accept the responsibilities which it had already assumed and follow the tradition of proposing to the British Parliament, with its recommendation, our joint resolution.

On both days a request was made that the specific letter be tabled. Yesterday nothing was done during the question period or during Routine Proceedings. Having now had an opportunity to review *Hansard* for both days, and having had an opportunity to review the provisions of Beauchesne, I am convinced, and I submit that it is the duty of the Chair to direct that the letter be tabled.

In support of that submission I draw your attention to Citation 327(5) of Beauchesne, which is to be found at page 116 of the latest edition. It sets forth as follows:

To be cited, a document must be quoted—

And this is the important portion of the subclause, in my submission:

—or specifically used to influence debate.

That is the other half of it. I submit that a ruling simply based on that portion of subclause (5), that the document must be quoted, would be sufficient in this case if in fact the document was used, in this case a letter, specifically to influence debate.

There can be no question in my mind, or in the mind of any reasonable member of this House, that the document was, to use the specific words of the subclause, "specifically used to influence debate". There is no question of that, even though it was not directly quoted.

I submit, if the Chair comes to the same conclusion I have that the letter was used on two successive days specifically to influence debate in this House, the Chair is bound to come to the conclusion that the document is such that it must be tabled under our rules, on request. As I pointed out, the request was made on two separate days, on several occasions. One further relevant citation, to be found in Beauchesne is 327(6), which reads:

If a Minister cites or quotes an official document in debate, he should be prepared to table it.

It might be argued, Madam Speaker, if one wants to be unduly confining, that the question period is not a debate in the sense used in these citations but, I submit, that conclusion cannot and should not be drawn. I suggest that a small "I" liberal interpretation of the rules should be applied, and has been applied in the past, I point out, because there is no question that what was going on yesterday in this chamber during question period, and the day before during question period, when this document was cited and used in support of the position of the Secretary of State for External Affairs and of the Prime Minister, was in fact debate.

● (1510)

I merely draw the Chair's attention to the Oxford Dictionary version of what "debate" is to support in a simple manner that contention.

Subsection (6), in my submission, requires the minister to be prepared to table a document if it is cited or quoted from.