

*Motions for Papers*

but there was no hesitation whatsoever in delivering the correspondence involving the farmer' union.

The same practice prevailed in the twenty-third parliament. The communications from outside sources were quite varied and were still easily produced. For example:

Motion No. 12—MR. STUART (CHARLOTTE): For a copy of all correspondence exchanged between the Minister of Public Works and any person or persons recommending or approving the dismissal of breakwater foreman in Charlotte county, since June 10, 1957.

The motion was agreed to. The government also agreed to release copies of all correspondence between any association, person and company and members of the government and/or Northern Ontario Pipe Line concerning requests for opportunities to submit tenders for some construction work.

No change in policy was recorded in the twenty-sixth parliament. The following motion was readily agreed to by the government. Again, the nature of the correspondence is unknown. The motion was:

For a copy of any correspondence between Mr. Vanden Heuvel of Goderich, Ontario, and the Minister of Citizenship and Immigration, or any officials of her department, since January, 1961.

The motion was agreed to. Communications from groups of persons seem to have been readily available:

Motion No. 161—MR. PICKERSGILL: For a copy of the communication addressed to the Minister of Fisheries by the general secretary-treasurer of the Newfoundland Federation of Fishermen on August 24, 1961, together with the reply thereto of the minister.

The motion was agreed to. The same practice persisted in the twenty-seventh parliament. The government agreed to produce communications received from groups of persons. For example:

Motion No. 35—MR. DINSDALE: That an order of the house do issue for a copy of all correspondence between the Clear Lake Cottage Owners' Association and the Minister of Indian Affairs and Northern Development during the current year.

The motion was agreed to. Here is another example from the same parliament. It seems that when individuals petition the government because of some complaint, their letters may be published. This is an example from the twenty-seventh parliament:

That an order of the House do issue for a copy of all correspondence exchanged between the Minister of Fisheries and the owners of trawlers in Newfoundland involved in damaging cod traps or other net gear owned by inshore fishermen.

The motion was agreed to. There are many more examples from all parliaments, from the twenty-first parliament right down to the present time, which indicate very clearly the types of communications that are considered in the public domain and those that are considered privileged. The government went to the trouble last year to set out for the benefit of members of parliament those classes of documents which are considered restricted and the reasons for those restrictions. But the documents in respect of applications for grants from various government departments and letters in support of those applications for grants have been considered as public documents for 25 years at least.

● (1420)

It is my opinion that this is a fundamental change on the part of the present government, that the change in practice is a denial of the rights of the individual members of parliament and through them of parliament itself. I ask you, Mr. Speaker, to consider the precedents. If Your Honour would like to take the question under advisement and make a ruling at a future time, that would be agreeable to me.

I would like you to consider the matter carefully because the responsibility of the Chair is not to protect the government, which should be capable of looking after its own interests, but to guarantee the rights of individual members of parliament and through so doing the rights of this honourable institution itself. I ask Your Honour to consider the precedents. If you should agree that this is a serious matter and rule that a prima facie case of privilege is warranted, I will then move that the matter be referred to the Standing Committee on Privileges and Elections.

**Mr. Speaker:** The point of order raised by the hon. member is not new. It has been raised many times in this session, in past sessions and in past parliaments. The question is whether a member seeking the production of documents is entitled to insist that those documents be tabled in spite of objection on the part of the minister who is opposing the production of the documents.

The hon. member has cited a number of precedents which indicate that in certain circumstances documents of the type which he claims should be tabled today have been tabled in the past when an order has been adopted by the House for the tabling of such documents. The hon. member, with his long experience in the House, will be the first to recognize that there at least are an equal number of instances in the past where documents have been refused by the government, and this on the basis of the Standing Order.

The Standing Order is clear and provides for four possibilities. When a notice is put on the order paper for the production of documents it can be, when called, adopted by the House, dropped, voted upon or, at the request of the member putting the motion or at the request of a minister, transferred for debate. Standing Order 48(1) is very clear on this point.

It may well be that the Standing Order is not properly drafted. It may well be that there should be a different procedure which would make it easier or more practical for hon. members to obtain the tabling of documents which they feel ought to be tabled or which they feel should be the responsibility of the government to table. But the Standing Order is there and it is clear. It says that there are these four alternatives open to a member presenting a motion or to the minister or the government in response to the motion. In this particular instance the minister refuses to table documents which the hon. member feels ought to be tabled. What the Chair has to do in such circumstances is inquire whether the member wishes to drop his motion—obviously the hon. member does not intend to do that—whether the House wishes to vote on the proposed motion or whether either the member who has put the motion or the minister or someone on behalf of the government wishes the motion to be transferred for debate.

As I say, it may well be that the procedure is faulty, that the procedure does not give effect to the kind of legitimate

[Mr. Hellyer.]