

*Privilege—Mr. Friesen*

I rise on a question of privilege relating to the rights of this House and the rights of Members to full and complete disclosure in answer to an order of the House, and also to indicate that the House and its Members are entitled to complete production of all documents to comply with an order of this House.

On April 1, 1982, under Division No. 157, this House by a vote of 160 to 5 agreed to my Private Member's Motion for the Production of Papers. This decision, arrived at after near unanimity, followed the lengthy debate of December 17, 1981 and April 1, 1982.

It is my view that a *prima facie* case of privilege exists since the return is not complete. In view of the ruling of the Speaker of the House on February 16, 1954, page 2121 of *Hansard*, which establishes a precedent that there is a *prima facie* case for this question of privilege, it is my right to raise the question at this time.

The order of the House that we presented on April 1 and on which we voted read as follows:

That an humble address be presented to His Excellency that he will cause to be laid before this House copies of all correspondence, notes, minutes of meetings, memos, telegrams, and communications relating to the order respecting Emergency Planning P.C. 1981-1305, May 21, 1981, Registration SI/81-76 June 10, 1981.

It was in defiance of Citation 213 of *Beauchesne's* fourth edition, 1958 and Citation 389 of *Beauchesne's* third edition, 1943 that the President of the Privy Council (Mr. Pinard) finally did table some of the documents on July 29, 1982, four months after that order of the House was issued and only after I was forced to raise this specific matter of neglect to the House on two separate occasions.

There is no doubt that the Government has not complied with this order. Over the summer months I have collected hundreds of pages of documents which should have been tabled at this time but were not.

The omissions that I have uncovered reveal that there were many and various kinds of correspondence, tabled documents that were not included. I would like to give just one example of this omission. It is a letter tabled in the Alberta legislature, and, therefore, is public property. It is addressed to the "Hon. Yvon Pinard, President of the Privy Council." It says in part, and this is why it is so important that we have in all the documents:

Alberta is seriously concerned, however, that the proposed federal legislation will not necessarily be confined to emergencies of an overriding national concern but that it also contemplates federal authority in what may be very localized situations.

That gives some import to the particular motion which I had voted on in the House. You will note, Madam Speaker, that the Motion for the Production of Papers reads "—all correspondence, notes, minutes of meetings, memos, telegrams and communications." It does not say "part of the documentation" or "most of the documentation", it says all of the documentation.

• (1510)

In addition, Madam Speaker, you will note that there is no date attached to this motion and that the order is quite specific as it relates to any documentation concerning that order, either before its implementation or after.

The government might want to argue that the undisclosed material is privileged information. As I have already indicated, that information is readily available in the legislative assemblies because it has been tabled in the legislature of at least one of the Provinces, and, I believe, those of several other provinces. For example, in a letter dated April 28, 1982, to Mr. Marvin E. Moore, the Minister in charge for the Alberta Disaster Services, the President of the Privy Council states that he has certainly—and I quote:

—no objections to your tabling in your legislature the exchange of correspondence between us and the subject of legislation on matters relating to Emergency Planning.

In fact, Madam Speaker, that letter, together with five others, was tabled in the Alberta Legislature. Yet the President of the Privy Council refused to do the same in this Chamber even despite the fact that there was a House order to do so.

In addition, memoranda of understanding were reached with the Provinces at a meeting held in Ottawa at the Chateau Laurier Hotel in January of this year. Subsequent to that meeting, these memoranda of understanding were made public, yet those documents are also missing, despite the fact that they are accessible elsewhere.

To underscore my point, the President of the Privy Council issued a news release just two days ago in which he announced the significance of that memorandum of understanding with one of the Provinces. In that release the minister states that a memorandum of understanding has been signed in the Province of New Brunswick, thus indicating, of course, that the document exists.

I should also point out that under Citation 389 in *Beauchesne's* third edition it is stated:

—If parties neglect to make returns to orders of either House in reasonable time, they are ordered to make them forthwith; or so much of returns as has not been made. If they continue to withhold them, they are ordered to attend at the bar of the House; and unless they satisfactorily explain the causes of their neglect, and comply with the order of the House, they will be censured or punished according to the circumstances of the case.

That Citation, Madam Speaker, refers to specific cases where information sought has not all been provided or where information having been sought was not given. The wording is taken from May, pages 562 and 563, twelfth edition; and I also refer you to pages 256 and 257 of the fifteenth edition.

I fully understand, Madam Speaker, the general theory which can be found in the fifteenth edition, which is to the effect that if there is a failure to comply, a sufficient cause must be demonstrated for the exercise of that power. If consideration of public policy can be urged against a motion for Papers, it is either withdrawn or otherwise dealt with according to the judgment of the House. That theory is alluded to by the Speaker of the House of Commons in a decision