

## GOVERNMENT

### Resignation of Government

### I—POSITION

1. The resignation of the Government is effected by the resignation of the Prime Minister. His resignation, whether for political or personal reasons, automatically carries with it that of all his ministers.
2. Ministers relinquish office when the incoming Prime Minister is ready to form his Government.
3. It is not customary for ministers to submit individual resignations when the Government is resigning. The Prime Minister's resignation, which is customarily submitted to the Governor General orally, covers that of his ministers.
4. It is the usual, but not invariable, custom for outgoing ministers to call\* together on the Governor General to take leave. This may be at the time the Prime Minister calls to present his formal resignation, or at a separate time.
5. Ministers who are remaining in the new Government, whether with the same or different portfolios, do not take leave of the Governor General.
6. On leaving office the Registrar General should return the Great Seal of Canada to the Governor General from whom he received it on his appointment.
7. The Prime Minister will arrange for the removal of his personal files. Ministers should return all Cabinet papers to the Privy Council Office. Official papers should be taken off their personal files before these are removed.
8. The resignation of the Government terminates the employment of the office staff of the Prime Minister and of ministers appointed pursuant to the *Public Service Employment Act*. The staff are, however, entitled under certain prescribed conditions to employment in the Public Service.

## GOVERNMENT

### Resignation of Government

### II—BACKGROUND

1. The Prime Minister's resignation from office brings about the resignation of all ministers and of the Government. Whether the Prime Minister's resignation follows a defeat in the House or at the polls or is for personal or other reasons\* the life of the ministry is terminated with the formal acceptance of his resignation. Individual ministers however continue in office until the new Government is formed.
2. Where the Prime Minister's resignation is followed by the formation of a new Government with the same party affiliation the offices of the resigning ministers are at the disposition of the successor Prime Minister. This happened in 1948 and 1968 upon the retirement of Mr. King and Mr. Pearson respectively from office. On each occasion the new Prime Minister proceeded to form a new Administration composed of both continuing and new ministers. The full list of the proposed new ministry was then submitted to the Governor General for his approval.
3. Canadian practice in regard to ministers taking leave\* of the Governor General on the resignation of the Government is by no means as consistent as it is in the United Kingdom although the same considerations would make it desirable.
4. A Government takes office when the Prime Minister accompanies those he has selected to form his Cabinet to the Governor General for the administration of the oaths of office. It would be reasonable and courteous for them to call upon the Governor General in the same way, as a group, when they are relinquishing the responsibilities with which they had been charged.
5. Ministers who are to remain in the new Government have no need to take leave since they will continue to be His Excellency's advisors. Changes of portfolio will be implemented when ministers are sworn to their new offices.
6. There is a special reason why the Registrar General should make a farewell call on the Governor General. When he assumed office the Governor General gave the Great Seal of Canada to him for safekeeping. He should therefore return it to the Governor General when his custodianship ends. It would not be correct to leave it to the Deputy Registrar General to return the Great Seal to the Governor General at the time the new Registrar General takes office, although on occasion this has incorrectly been left to the deputy rather than being done by the retiring responsible minister.
7. In some instances the Prime Minister has been accompanied by all his ministers when he has taken leave of the Governor General. On other

occasions ministers have called in a group at another time and sometimes some or all of them have not called at all.

8. The Prime Minister's Office maintains a separate filing system for papers of a personal and political nature to keep them apart from official papers. It might however be desirable, before removing the personal files, to assure that they do not contain official documents.
9. In the absence of official guidance ministers must use their discretion when deciding whether a paper is official or personal.
10. The Dominion Archivist has offered to provide secure storage for personal papers which ministers may wish to send for safekeeping.
11. Those members of the office staff of the Prime Minister and of ministers who qualify for employment in the Public Service should apply for positions in accordance with the provisions of the *Public Service Employment Act*.

## GOVERNMENT

### Resignation of Government

### III—PROCEDURE

1. The Prime Minister's resignation is customarily transmitted to the Governor General orally and without formality.
2. The Prime Minister may wish to make arrangements\* with Government House for a farewell call on the Governor General by the Government.
3. The retiring Registrar General should arrange to return the Great Seal of Canada personally to the Governor General.
4. Approval should be given for the transmission by the Clerk of the Privy Council of a letter\* to the incoming Prime Minister setting out the now customary terms on which the new Government would be denied access to the records of Cabinet meetings and of Cabinet committee meetings. This is usually cleared in Cabinet.
5. Outgoing ministers should arrange to return all Cabinet documents to the Privy Council Office for destruction as necessary.
6. Files in the P.M.O. registry should be removed after being checked to determine that copies of papers of public significance are put on P.C.O. files. The P.M.O. files may be transferred to the Dominion Archives for safekeeping.
7. Privy Council Office files should be reviewed if it is considered that they may contain material of a personal or political nature which should be transferred to the personal papers of the outgoing Prime Minister.
8. Ministers should separate their personal papers from their official files in preparation for removing the former or putting them in the custody of the Dominion Archivist.
9. It may be considered desirable to prepare lists of the Prime Minister's and ministers' personal staffs showing position and date of appointment so that reassignment according to section 37 of the *Public Service Employment Act* may be applied.

## **GOVERNMENT**

### **Resignation of Government**

### **IV—CEREMONIAL**

1. Any ceremonial connected with the Government's farewell call\* on the Governor General will be arranged by Government House.

## GOVERNMENT

### Resignation of Government

APPENDICES

Letter from Clerk of Privy Council to incoming Prime Minister regarding access to Cabinet records of resigning Government

Government House arrangements for resigning Government's farewell call

Extract from *The Montreal Star* of 23 April, 1963 regarding farewell visit to Government House by resigning ministers



## GOVERNMENT

### Formation of New Ministries

### I—POSITION

1. A new ministry is formed when the Prime Minister is sworn into office.
2. If there is a change in Government, outgoing ministers are considered to have resigned on that date, even if new ministers are not appointed at the same time. They may, however, remain in charge of the administration of their departments until a member of the new Government takes charge.
3. If there is no change in Government, ministers retain their posts until their resignations are accepted or their successors appointed. If they retain the same portfolios they are not re-sworn.
4. The outgoing Prime Minister informs the Governor General of his intention to resign. When the Governor General has found someone to form a new Government the outgoing Prime Minister calls again and formally tenders his resignation which is accepted. His ministers usually accompany him on this later occasion. The Registrar General should return the Great Seal to the Governor General when he takes his leave.
5. The new Prime Minister calls\* on the Governor General with his ministers immediately after the outgoing Prime Minister's resignation has been accepted. The composition of the new Cabinet is approved, including any ministers who are retaining their portfolios as well as new appointments. The necessary oaths are administered.

## GOVERNMENT

### Formation of New Ministries

### II—BACKGROUND

1. The formation of the new Government is dated from the induction of the Prime Minister even though some members of his Cabinet may not be sworn until later.
2. Outgoing ministers' resignations are considered to be effective the day the Prime Minister's resignation takes place. No specific action on their part is necessary to effect resignation which results from the resignation of the Prime Minister. It is traditional for them to remain in charge of the routine operation of their ministry until a member of the new Administration takes charge of it.
3. Ministers who retain the same portfolios in the new Government are not re-sworn and do not receive new commissions.
4. The one instance, in 1920, when ministers (Meighen's) were reappointed and re-sworn is at variance with all other precedents. In 1948 the question was re-studied when Mr. St. Laurent succeeded Mr. King and no ministers retaining the same portfolio were either reappointed or re-sworn. The same rule was followed in 1968 when Mr. Trudeau succeeded Mr. Pearson.
5. The new Prime Minister must, nevertheless, get the Governor General's approval for the composition of his ministry which includes approval of ministers who are to retain their same portfolios. This may be done orally or by presenting an instrument of advice\* or a list showing the continuing as well as the new appointments. This latter technique was followed in both 1948 and 1968 when Mr. St. Laurent and Mr. Trudeau respectively formed their Governments.
6. A resigning Prime Minister calls on the Governor General to inform him of his intention to resign and then remains in office until informed that the Governor General has found someone to form a new Government. When the new Government is ready to be formed the Prime Minister calls again and formally resigns. He would usually be accompanied by his ministers on this occasion who would also take leave of the Governor General. The Registrar General would also return the Great Seal. On one recent occasion ministers called to take leave a day before the Prime Minister's resignation became effective. There is no evident reason for this.
7. When a Prime Minister decides to resign he may invite his likely successor to discuss the changeover. This has been done on the three last changes in Government, in all cases before the Prime Minister informed the Governor General of his intention to tender his resignation.



8. The new Prime Minister and ministers traditionally call\* on the Governor General to be sworn to office immediately the resigning Prime Minister and his ministers have left. The Prime Minister will probably have informed the Governor General of the composition of his Cabinet when he advised him that he could form a Government, but the formal instruments of advice\* may be presented on this later occasion.

## GOVERNMENT

### Formation of New Ministries

### III—PROCEDURE

1. Instruments of advice\* should be prepared
  - (a) for appointment to office of those already Privy Councillors;
  - (b) for summoning to Privy Council and appointment to office of others.
2. The Prime Minister may send a message\* of loyalty to the Sovereign after his Government has been formed.
3. The Prime Minister accepts\* the arrangements proposed by the Clerk with the approval of the outgoing Prime Minister in regard to the inviolability of old Cabinet records.
4. Departments take responsibility for continuing action by new ministers on questions pending before Cabinet, Council, and Treasury Board.
5. Necessary documents are prepared for urgent appointments to be made. This can include orders in council on acting ministers and on ministerial responsibility for boards and commissions.
6. Arrangements should be made to ensure that departments and agencies brief their new ministers.

## GOVERNMENT

### Formation of New Ministries

### IV—CEREMONIAL

1. All members of a new ministry are present when the oaths are administered by the Governor General usually at Government House. The Clerk of the Privy Council attends. The Deputy Registrar General is present to bring the Great Seal. Government House issues a detailed order\* for the ceremony.

## **GOVERNMENT**

### **Formation of New Ministries**

### **APPENDICES**

Government House arrangements for swearing-in of new ministry

Instrument of advice submitted to Governor General regarding appointment of Twentieth Ministry (Trudeau, 1968) and including ministers continuing in office from previous ministry

Message of loyalty from Prime Minister to Sovereign

Prime Minister's reply to letter from Clerk of Privy Council regarding Cabinet records of former Government

Government House announcement regarding swearing-in of new ministry

## GOVERNMENT

### **Restraints on Business which may be transacted by Governments in Certain Circumstances**

#### **I—POSITION**

1. A Government receives its authority from the Crown and is responsible to Parliament for the exercise of that authority. As long as a Government remains in office its legal authority is unimpaired and its obligation to carry on the government of the country remains, whether Parliament is dissolved or not. The necessity to account to Parliament for the exercise of this authority does impose restraints in certain circumstances. The extent of these restraints varies according to the situation and to the disposition of the Government to recognize them.
2. The possibility of restraint only arises if the continuation of confidence in the Government is called into question. A defeat in the House preceding dissolution or a defeat at the polls would be the usual causes of restraint.
3. The restraint has been recognized as applying to important policy decisions and appointments of permanence and importance. Urgent and routine matters necessary for the conduct of government are not affected.



## GOVERNMENT

### Restraints on Business which may be transacted by Governments in Certain Circumstances

### II—BACKGROUND

1. In addition to defeat in Parliament or at the polls other situations may indicate that some measure of restraint might be desirable, at least until the Government's position is clarified. Such a situation would be that of a Government facing a vote of censure in the House or, following a general election while awaiting the results of the election to confirm its continued majority position. Similarly a period of restraint might be considered to exist while confirmation by Parliament was being awaited by a minority Government after a general election. An Administration formed after the resignation of the former Government without a general election might also feel restrained until its position was confirmed by Parliament.
2. Before Sir John Macdonald resigned in 1873 to be immediately succeeded by the Government of Alexander Mackenzie, an order in council was passed making a long list of appointments. Within a week of taking office Mackenzie submitted an order in council cancelling the majority of those appointments on the ground that they should not have been made since the Government was under threat of a motion of censure in the House. Lord Dufferin took the view that the mere introduction of a motion of censure could not "paralyze" the Government's right to make appointments but that nevertheless an outgoing Administration should use its right to fill vacancies with moderation and discretion. He agreed with the contention that many of the appointments complained of were unwarranted by the exigencies of the service and were inexpedient. For this reason he approved an order\* cancelling them. This case does not however constitute a precedent for any contention that the introduction of a motion of censure limits a Government's right of appointment. The Governor General specifically rejected this and the appointments complained of were in fact effective. Some of them were left undisturbed and those that were cancelled ceased to be effective because of the positive action of the new Administration rather than because of any inherent invalidity.
3. The Aberdeen-Tupper case in 1896 was different. The Tupper Government was formed after the dissolution of Parliament and was defeated in the subsequent elections. In refusing\* to approve senatorial and judicial appointments put forward by the Government before its resignation, Lord Aberdeen acknowledged that the powers of the Administration were "undoubtedly full and unrestricted" but that in the circumstances "their exercise would seem to be rightly limited"<sup>1</sup> to necessary public business. The Governor General

<sup>1</sup> From memorandum by Lord Aberdeen, to Prime Minister (Tupper), July 4, 1896, on P.C.O. file G-10-1.

therefore judged that whatever business could, without detriment to the public interest await the formation of the succeeding Government, should be held over.

4. In 1963 the Government was defeated on two votes of confidence and Parliament was dissolved. No appointments were made before the elections and when the Government was defeated in the elections no appointments were made before it resigned.
5. Although the use of restraint has been more easily witnessed in the area of appointments it is equally clear that Governments which have felt inhibited in this way have also tended to avoid making important policy decisions having the effect of binding a possible successor Administration. In the latter situation it has however proved difficult to identify what actions the Government would otherwise have taken had it not felt so restrained.
6. It is recognized that the principle of restraint should not however operate to prevent action being taken on urgent or routine matters necessary for the conduct of government or to forestall immediate action where the public interest requires it. So long as an Administration has not formally been replaced by the successor Government it remains, irrespective of its position in Parliament, directly responsible for the conduct of the affairs of the country.

## **GOVERNMENT**

### **Restraints on Business which may be transacted by Governments in Certain Circumstances**

### **APPENDICES**

Order in council cancelling appointments made on Macdonald's resignation in 1873

Extract from memorandum from Lord Aberdeen to Sir Charles Tupper explaining refusal to approve certain recommenced appointments

## GOVERNMENT

### Considerations relating to Minority Governments

### I—POSITION

1. A minority Government\* is one formed by a party which does not have a majority of the seats in Parliament.
2. The fact that a Government is a minority Government does not limit its legal authority.
3. There are conventional limitations on its authority which have been recognized by Governments defeated in Parliament or at the polls.
4. Undeclared minority Governments have, in some circumstances, felt a political limitation on their authority until they have met Parliament and been sustained by a vote of confidence.
5. These propositions are founded on the constitutional fact that a Government derives its authority from the Crown. It possesses this authority in totality from the time the Prime Minister has acted on the Governor General's invitation to form a Government until his resignation is accepted. At the same time the Government is responsible to Parliament and at the polls for its exercise of this authority. Therefore, if a Government is rejected in Parliament or defeated in an election, a conventional restriction is recognized as limiting the extent to which the Government should exercise its authority in certain fields, notably that of non-urgent permanent appointments. Moreover, when a continuing Government has failed to win the majority of seats in an election it may feel under a political limitation in regard to permanent non-urgent appointments until Parliament has expressed its continuing support.



## GOVERNMENT

### Considerations relating to Minority Governments

### II—BACKGROUND

1. The authorities are agreed that as long as a Government is in office it has the legal authority to exercise all its powers regardless of its position as a minority in Parliament.
2. It is recognized that a Government which has been defeated in Parliament is restrained by convention from exercising its full authority particularly in regard to permanent non-urgent appointments. Similarly a Government which has won too few seats in an election to remain in office is, by Canadian convention, under a like restraint in the period preceding the formation of the new Government.
3. In 1896 Lord Aberdeen refused to approve such appointments recommended by Sir Charles Tupper whose Government had been formed after the dissolution of Parliament and had then been defeated in the elections.
4. A successor minority Government may not feel under any restraint in the period before Parliament has given its support. This was the case in 1921, 1957 and 1963, when 20, 38 and 11 major appointments were made before Parliament had voted confidence. However in the special circumstances existing in 1926 Mr. Meighen did not make any appointments although his was a minority Government formed on the resignation of Mr. King.
5. A continuing Government which has failed to win a majority in an election may, for political reasons, consider it wise to exercise reasonable restraint until its position has been endorsed by Parliament. However cases vary. In 1925, Mr. King in that situation announced that he would make no important appointments until he had met Parliament. An examination of the facts reveals that he did not in effect appear to have restricted himself. He did appoint two Lieutenant-Governors before the vote on the address in reply, on 3 March, 1926. Neither could be considered urgent and in fact one was a reappointment technically not necessary. He also appointed a judge to the Exchequer Court on 1 February. The fact that he made no senatorial appointments in that period has been interpreted by some as support for the view that Mr. King considered himself under some restraint. However, this is not necessarily so for Mr. King had filled all 11 existing vacancies in the Senate before the elections and delayed filling the two that subsequently occurred until just before he resigned on 28 June. It cannot be said therefore that the absence of senatorial appointments was due to a decision to await the vote on the address before making senior appointments. Indeed the weight of evidence, the appointments made before Parliament voted its support, and the absence of significant appointments right after the vote, suggest that Mr. King made the appointments he wanted despite his minority position.



6. In 1962, Mr. Diefenbaker returned without a majority but nevertheless felt free to make some 34 major appointments including six senators and eight judges before meeting Parliament.
7. In 1965, Mr. Pearson did not make any major appointments after his re-election in which he failed to win a majority until after adoption of the address.

## **GOVERNMENT**

### **Considerations relating to Minority Governments**

### **APPENDICES**

List of minority Governments which have held office in Canada

## GOVERNMENT

### Access to Records of Other Administrations

#### I—POSITION

1. In 1957 and again in 1963 the incoming Prime Minister agreed that Cabinet records of the former Administration would not be available to the new Government. This is in accordance with British practice and is recorded in an exchange of letters\* with the Clerk of the Privy Council.
2. It follows that former Cabinet ministers are entitled to access to Cabinet records of the period when they were in office.
3. It is to be noted that there is no record that this question arose in 1948 when Mr. St. Laurent succeeded Mr. King, but in 1968 when Mr. Trudeau succeeded Mr. Pearson it was decided that no letters would be exchanged.

## GOVERNMENT

### Access to Records of Other Administrations

### II—BACKGROUND

1. This question of access to the records of a former Administration first arose in Canada in 1957 when the first change in Government since the introduction of Cabinet minutes in 1940 took place. It had not come up in 1948 when Mr. St. Laurent took over on Mr. King's retirement.
2. The undertaking given by the incoming Prime Minister that the new Government will not have access to the records of the former opposition Government follows British practice and is a constitutional convention derived from the recognition that it would be politically undesirable for the record of confidential discussion to be available to political opponents. The arrangement which is based on this appreciation of political realities as well as on constitutional propriety has acquired general acceptance as a constitutional convention although without statutory foundation.
3. The fact that the practice is intended to prevent a succeeding opposition Government from making political use of the Cabinet discussion of its predecessor indicates why the question did not arise when Mr. St. Laurent succeeded Mr. King. A memorandum\* on United Kingdom procedure confirms and supports this practice.
4. When Mr. Diefenbaker came to office he satisfied himself that the proposed arrangement was indeed in accordance with British practice.
5. It is recognized that a former Cabinet minister may have access to Cabinet records issued to him while he was in office. There are at least two recorded cases of a former opposition Cabinet minister asking for access to the records of Cabinet of the time when he was in office. In one case (1963) the request was directed to the Secretary to the Cabinet who had the Cabinet records examined before supplying the required information by private and confidential letter. In the other case (1966) the request was directed to the Prime Minister and was accepted in principle but not in fact granted on the ground that the matter at issue had been turned over to a Royal Commission for investigation.
6. By extension former ministers are also entitled to access to departmental files seen or used by them while in office, although this has not been put into practice here.
7. This question of access should be distinguished from disclosure which is a distinct issue involving release from the Privy Councillor's oath.

## GOVERNMENT

### Access to Records of Other Administrations

### III—PROCEDURE

1. When an opposition party takes over on a change in Government the Clerk of the Privy Council with the approval of the outgoing Prime Minister, sends a letter\* to the new Prime Minister asking him to agree that the new Government would not have access to the records of the previous Administration.
2. The new Prime Minister informs his colleagues in the Government and replies\* to the Clerk accepting the proposed arrangement.



## GOVERNMENT

### **Access to Records of Other Administrations**

### APPENDICES

Letter from Clerk of Privy Council to incoming Prime Minister regarding access to Cabinet records of resigning Government

Prime Minister's reply to above letter

Extract from *United Kingdom H. of C. Debates*, January 28, 1960 regarding access to Government records by former ministers

Memorandum by Secretary to United Kingdom Cabinet regarding access by ministers to documents of an earlier Administration



## GOVERNMENT

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**Letter from Clerk of Privy Council to Incoming Prime Minister  
regarding Access to Cabinet Records of Resigning Government**

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CONFIDENTIAL

Ottawa, April 17, 1963.

The Honourable L. B. Pearson,  
House of Commons,  
Centre Block,  
Ottawa.

Dear Mr. Pearson:

I thought I should let you know of the arrangement I proposed to Mr. Diefenbaker today concerning the retention of the Cabinet minutes and Cabinet Committee minutes of his government which we prepare here in this office. This is similar to the arrangement made between Mr. St-Laurent and Mr. Diefenbaker in 1957.

Mr. Diefenbaker agrees that the records of the Cabinet meetings and of Cabinet Committee meetings should be retained here in the custody of the Secretary to the Cabinet, to be seen only by Ministers who were members of the government at the time the meetings took place and by the Secretary to the Cabinet or such persons on his staff as he authorizes to see them, on a confidential basis, where that is necessary for the proper discharge of their duties.

It would therefore be the understanding that these documents would not be seen by members of the incoming government or their staffs, nor by any future Ministers who were not members of the Cabinet at the time of the meetings to which these records relate.

I believe that this would be generally in accordance with British practice and a proper course to follow here in Canada. I would hope that it would meet with your approval and that you could confirm to me that I and my successors should retain these papers on this understanding.

I should take this opportunity to add that the Canadian government has not as yet formulated any definite policy regarding the opening of Cabinet records, as well as other official papers, for access by scholars or others after a lapse of a suitably long period to enable their contents to be published without causing harm. I hope that it will be possible to take this matter up with your government during the next year or two, as it is a matter of concern to a number of the Learned Societies in Canada and it is quite desirable that access to some government records be granted soon. I assume that, before a decision were reached on this, there would be informal consultation at least with Privy Councillors who had been members of former governments so that some general concensus of



view might be reached on this matter of mutual interest. I should say that a number of the officials who have been concerned with this matter favour providing access to such papers after thirty-five years or thereabouts and I think this period, or perhaps a slightly shorter one, probably would commend itself to Mr. Diefenbaker.

Yours sincerely,

(Sgd.) R. B. BRYCE.

**Extract from Government House Arrangements regarding Farewell  
Call by Resigning Government and Swearing-In  
of New Government**

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21st June, 1957.

M E M O R A N D U M

The procedure for today will be as follows:—

- (1) His Excellency will receive the Prime Minister, the Right Hon. Louis S. St. Laurent, at 10.00 o'clock, to accept his resignation. The Prime Minister will be met at the front door by the Secretary and taken immediately to His Excellency's study.

Members of the outgoing Ministry will arrive at the same time and will be shown into the Drawing Room by F/L MacMillan.

Lt. McKee will inform the Secretary when His Excellency is ready to receive the outgoing Ministry and, with the assistance of the Administrative Secretary, they will be taken to His Excellency's study.

After the Governor-General has greeted them, the Secretary of State of Canada will hand over to His Excellency the Great Seal, which he, in turn, will place on his desk.

Sherry will be served.

After about twenty minutes, the retiring Cabinet will say goodbye to the Governor-General. Mr. St. Laurent will be escorted to the front door by the Secretary. The Administrative Secretary and the Comptroller will escort the other members of the late Government.

- (2) At 11.30 a.m. Mr. John Diefenbaker, Mr. Robert Bryce (Clerk of the Privy Council) and Mr. Arthur Hill (Assistant Clerk of the Privy Council) will arrive and will be met by the Secretary and conducted to His Excellency's study, where Mr. Diefenbaker will be sworn in as a Privy Councillor and as Prime Minister, the Oaths being administered by the Clerk of the Privy Council in the presence of the Governor-General. The Prime Minister will then tender to His Excellency the instruments of advice covering the members of his Cabinet.

**Extract from *The Montreal Star* of 23 April, 1963  
regarding Farewell Visit to Government House by  
Resigning Ministers**

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Government House issued the following statement yesterday concerning the resignation of John Diefenbaker as prime minister.

The Governor-General received the Prime Minister, the Rt. Hon. John G. Diefenbaker, on Monday morning and accepted his resignation on behalf of Her Majesty the Queen.

On Sunday afternoon the Governor-General received ministers of the outgoing cabinet who took leave of His Excellency before relinquishing their portfolios.

The Hon. Ernest Halpenny as retiring Secretary of State handed to His Excellency the Great Seal of Canada.

Afterwards the ministers and their wives were received by Her Excellency (Mme Vanier).

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**Government House Arrangements regarding Farewell Call by Resigning  
Government and Swearing-In of New Government**

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At 11.35 a.m. the members of the new Ministry and the Under Secretary of State of Canada will arrive and be shown into the Drawing Room by Lt. McKee and F/L MacMillan.

After the instruments of advice have been tendered, the Secretary will proceed to the Drawing Room and conduct the members of the new Cabinet into His Excellency's study, with the help of the Administrative Secretary. They will be presented to the Governor-General by the Prime Minister in order of precedence.



The Privy Councillor's Oath will then be administered collectively by the Clerk of the Privy Council in the presence of His Excellency, after which each Minister will sign the Oath Book and the Privy Council Roll and will then be sworn in, individually, to their various Offices.

After the Secretary of State has been sworn in, His Excellency will hand the Great Seal of Canada over, saying:

"I hand you the Great Seal of Canada for safe keeping".

The Secretary of State receives the Seal and, in turn, hands it to the Under Secretary of State.

After this sherry will be served.

In due course His Excellency, with the Prime Minister and his Cabinet, will proceed to the side door next to the office of the Assistant to the Secretary, and a group photograph only will be taken on the steps.

When this has been done, the Governor-General, the Prime Minister and his Cabinet will re-enter Government House and His Excellency will say goodbye at the foot of the stairs. The Secretary will then escort Mr. Diefenbaker to the front door. The Administrative Secretary and the Comptroller will escort the Cabinet.

- (3) The Assistant to the Secretary will give to the press, on the departure of Mr. St. Laurent, a prepared press release.

The Assistant to the Secretary will be responsible for arranging for the release concerning the new Government, to leave Government House by car for the Press Gallery at 11.00 a.m., and will also release it to those members of the Press who are at Government House at the same time.

The Assistant to the Secretary has informed all those concerned about the group photograph.

At 11.30 a.m. the Assistant to the Secretary will show Mr. Derek Bedson, Private Secretary to Mr. Diefenbaker, into the Smoking Room, where he will remain until he and the Assistant to the Secretary go outside to arrange for the group photograph.

(Sgd.) LIONEL MASSEY  
Secretary.

*Dress:* Lounge suits.

*Distribution:*

The Secretary (Administrative)  
The Comptroller  
The Assistant to the Secretary  
A.D.C.'s (3)



**Instrument of Advice submitted to Governor General regarding Appointment of  
Twentieth Ministry (Trudeau, 1968) and including Ministers  
continuing in Office from Previous Ministry**

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His Excellency

The Right Honourable Roland Michener, C.C.,  
Governor General and Commander-in-Chief of Canada.

Your Excellency:

The undersigned submits for Your Excellency's pleasure that each of the persons hereinafter named, members of the Queen's Privy Council for Canada, retain the office now held as indicated opposite his name:

The Right Honourable Pierre Elliott Trudeau	Minister of Justice and Attorney General of Canada
The Honourable Paul Theodore Hellyer	Minister of Transport
The Honourable George James McIlraith	Minister of Public Works
The Honourable Arthur Laing	Minister of Indian Affairs and Northern Development
The Honourable Allan Joseph MacEachen	Minister of National Health and Welfare
The Honourable Hédard Robichaud	Minister of Fisheries
The Honourable Roger Teillet	Minister of Veterans Affairs
The Honourable Charles Mills Drury	Minister of Industry and Minister of Defence Production
The Honourable Maurice Sauvé	Minister of Forestry and Rural Development

The Honourable Edgar John Benson	President of the Treasury Board
The Honourable Léo Alphonse Joseph Cadieux	Minister of National Defence
The Honourable Jean-Luc Pepin	Minister of Energy, Mines and Resources
The Honourable Jean Marchand	Minister of Manpower and Immigration
The Honourable John James Greene	Minister of Agriculture
The Honourable Joseph Julien Jean-Pierre Côté	Postmaster General
The Honourable John Napier Turner	Minister of Consumer and Corporate Affairs
The Honourable Jean Chrétien	Minister of National Revenue
The Honourable Charles Ronald McKay Granger	Minister without Portfolio
The Honourable Bryce Stuart Mackasey	Minister without Portfolio

The undersigned submits for Your Excellency's pleasure that each of the persons hereinafter named, be appointed, by commission under the Great Seal of Canada, to the office indicated opposite his name:

The Honourable Paul Joseph James Martin	Minister without Portfolio
The Honourable Mitchell Sharp	Secretary of State for External Affairs
The Honourable Charles Mills Drury	Minister of Trade and Commerce
The Honourable Edgar John Benson	Minister of Finance and Receiver General
The Honourable Jean-Luc Pepin	Minister of Labour
The Honourable Jean Marchand	Secretary of State of Canada
The Honourable John Napier Turner	Solicitor General

It is further submitted for Your Excellency's pleasure that each of the persons hereinafter named be chosen and summoned to be a member of the Queen's Privy Council for Canada and appointed, by commission under the Great Seal of Canada, to the office indicated opposite his name:

Mr. Donald Stovel Macdonald      Minister without Portfolio

Mr. John Carr Munro                Minister without Portfolio

Mr. Gerard Pelletier                Minister without Portfolio

Respectfully submitted,

(Sgd.) P. E. TRUDEAU  
Prime Minister.

(Sgd.) { Approved  
ROLAND MICHENER  
20th April, 1968.

**Message of Loyalty from Prime Minister to Sovereign**

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From: The Secretary of State for External Affairs, Ottawa

To: The Canadian High Commissioner in the United Kingdom, London.

**R E S T R I C T E D**

Ottawa, November 15, 1948.

No. 1929.

Please deliver to the King's Private Secretary the following message to His Majesty from Mr. St. Laurent. Message Begins.

On assuming this afternoon the great responsibility of the high office of Prime Minister of Canada, I would take this first opportunity of presenting on behalf of my colleagues and myself our respectful duty to Your Majesty, to assure you of our continued loyalty and to extend our sincere good wishes for Your Majesty's continued health and well-being.

At the same time on behalf of the new Canadian Administration may I convey to Your Majesty and to Her Majesty the Queen the happiness we all felt when the news came yesterday of the birth of a son to Her Royal Highness Princess Elizabeth and His Royal Highness the Duke of Edinburgh. Message ends. Ends.

**Prime Minister's Reply to Letter from Clerk of Privy Council  
regarding Cabinet Records of Former Government**

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PRIME MINISTER - PREMIER MINISTRE

*Confidential*

Ottawa, June 12, 1963.

Dear Mr. Bryce:

This is a formal acknowledgment to your letter of April 17, concerning the disposition of Cabinet minutes and Cabinet Committee minutes, about which we have had a word.

I agree to the proposals set forth in your letter.

Best regards,

Yours sincerely,

(Sgd.) L. B. PEARSON

Mr. R. B. Bryce,  
Clerk of the Privy Council,  
Privy Council Office,  
East Block,  
Ottawa, Canada.

## Government House Announcement regarding Swearing-In of New Ministry

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(Not for Release before 12:00 Noon Monday 22nd April, 1963)

### GOVERNMENT HOUSE

### P R E S S   R E L E A S E

22nd April, 1963.

At noon today the Governor-General received the Hon. Lester B. Pearson, member of The Queen's Privy Council for Canada, who reported that he had proceeded with the formation of a Government in accordance with His Excellency's invitation of last Wednesday.

Mr. Pearson was sworn in as Prime Minister by the Clerk of the Privy Council in the presence of the Governor-General.

Mr. Pearson then submitted his recommendations for his Ministry, which the Governor-General was pleased to approve.

His Excellency received members of the new Government who were already Privy Councillors who were sworn as Ministers with the following portfolios:

Chevrier, Hon. Lionel	Justice
Martin, Hon. Paul	External Affairs
Macdonald, Hon. Ross	Leader of the Government in the Senate
Pickersgill, Hon. J. W.	Secretary of State
Hellyer, Hon. Paul	Defence

His Excellency then received the remaining members of the new Government who were sworn in as Privy Councillors then as Ministers with the following portfolios:

Gordon, Walter L.	Finance
Sharp, Mitchell	Trade and Commerce
Denis, Azellus	Postmaster General
McIlraith, George J.	Transport
Benidickson, W. M.	Mines and Technical Surveys
Laing, Arthur	Northern Affairs and National Resources
Lamontagne, Maurice	President of the Privy Council
Garland, J. R.	National Revenue
Cardin, Lucien	Defence (Associate)
MacEachen, Allan J.	Labour



Deschatelets, Jean-Paul  
Robichaud, Hedard  
McNaught, J. Watson  
Teillet, Roger  
LaMarsh, (Miss) Judy  
Drury, C. M.  
Favreau, Guy  
Nicholson, John R.  
Hays, Harry  
Tremblay, Rene

Public Works  
Fisheries  
Solicitor General  
Veterans Affairs  
Health and Welfare  
Defence Production  
Immigration  
Forestry  
Agriculture  
Without Portfolio.

The oaths were administered by Mr. Robert Bryce, Clerk of the Privy Council, in the presence of the Governor-General. His Excellency handed over to the Hon. J. W. Pickersgill, Secretary of State, the Great Seal of Canada, who then handed it to the Under-Secretary of State for Canada, Monsieur Jean Miquelon, Q.C., for safe-keeping.

(Sgd.) GUY ROBILLARD,  
Press Secretary  
to the Governor-General.



## GOVERNMENT

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**Order in Council cancelling Appointments made on Macdonald's  
Resignation (1873)**

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CANADA  
PRIVY COUNCIL

P.C. 1595

*Certified to be a true copy of a Minute of a Meeting of the Committee  
of the Privy Council, approved by His Excellency the Governor  
General on the 13th November, 1873.*

The Committee of the Privy Council have had under consideration the several appointments made by the late administration after the 27th day of October last up to the date of their resignation, during which time a motion of want of confidence was under discussion in the House of Commons.

The rule in Canada has been that Ministers against whom a motion of want of confidence is pending have exercised no authority except such as is incident to the routine of their respective offices—similarly, and for the same reasons, they do not conduct any Parliamentary work until such a motion is disposed of.

While this Committee does not dispute that the right to make appointments necessarily remains in the hands of every Administration, a power to be exercised as the exigencies of the Public Service may require, yet it is evident that such a power is liable to abuse by an improper exercise of it, and that no Ministry can with propriety exercise the ordinary authority to create new offices and make appointments to such offices, when their existence as Ministers is imperilled and their right to official position challenged by a motion of want of confidence in Parliament.

A new Administration might by such a course as that under review, be subjected to very serious inconvenience and their policy respecting necessary changes or a reorganisation of a Departmental character be impeded or frustrated.

They have to assume the responsibility of conducting the affairs of the country, and it would be manifestly unfair, if the retiring Administration should by making at the last moment a large number of appointments and creating new offices, which the new Administration might not deem to be necessary, have it in their power so to embarrass them as to make their task much more difficult and force upon them a responsibility they themselves would not assume.

The mere filling of some offices when the vacancy would be prejudicial to public interests could not be objectionable, that being such an emergency as would be recognised by all. The recent appointments are not of this character, most of them are entirely new, in seven cases even the names of the appointees are not given in the Orders in Council, so great appears to have been the haste in accomplishing the nomination of the intended officials; in others, the appointments are under the authority of an Act of Parliament not yet in operation.

Altogether the result is that if most of these appointments were not cancelled an enormous expenditure would take place, even without taking into account another Order in Council enormously increasing the salaries of existing officials, dated October 31st 1873.

After mature consideration the Committee conceiving that such of the said appointments as are mentioned in the accompanying list<sup>1</sup> were unwarranted by the exigencies of the Public Service and inexpedient, recommend that the several Minutes of Council mentioned in said list be cancelled.

“According to English Precedent—by which the opinion of the Governor General would naturally be guided—an outgoing Administration has a right to “fill up vacancies”, even after they have tendered their resignation to the Crown. If this be so it can hardly be contended that the mere introduction of a vote of want of confidence into the House of Commons must of necessity paralyse such a right.

It must also be remembered that in the ordinary course of administration Ministers make arrangements and take the pleasure of The Crown in regard to them, before they receive the formal sanction of an Order in Council—the date therefore of the Order in Council cannot always be taken as an exact indication of the period when the appointments may have been virtually made.

It is also evident that the head of a Department, in clearing up arrears of business, would have a legitimate claim to perfect appointments—supposing them to be proper in themselves—to which he had pledged himself, and which had been accidentally postponed.

But it is equally evident that the exercise of this right of filling vacancies should be used with moderation and discretion and within the limits described.

With regard to the particular appointments referred to in the above Report of the Committee of the Privy Council, His Excellency being advised that a great number of them cannot be justified on the foregoing principles, are unwarranted by the exigencies of the public service, and are inexpedient, has no difficulty in assenting to the recommendation submitted to him, and approves the Minute accordingly.

Dufferin”

(Sgd.) R. G. ROBERTSON

*Clerk of the Privy Council*

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[<sup>1</sup> Not included.]



**Extract from Memorandum dated 4 July, 1896 from Lord Aberdeen  
to Sir Charles Tupper explaining Refusal to approve Certain  
Recommended Appointments—(Sessional Papers,  
2nd Session, No. 7, 1896)**

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The previous Administration (with Sir Mackenzie Bowell as Prime Minister), representing the views of the same political party and having a majority in both chambers, failed to pass its proposed legislation, and on the 25th of April Parliament expired by efflux of time, without having granted supplies for the public service beyond the 30th of June. Subsequently, when no Parliament was or could be, under the circumstances, in existence, the present Administration was formed. So far, therefore, as these are dependent upon the subsequent approval of Parliament, the acts of the present Administration are in an unusual degree provisional. And as the powers of an Administration undoubtedly full and unrestricted, must surely always be used with discretion, their exercise would seem to be rightly limited, under such circumstances as the present, to the transaction of all necessary public business, while it is further a duty to avoid all acts which may embarrass the succeeding Government.

On this ground I would ask your further consideration of some of the recommendations which we discussed incidentally on Thursday. On this ground too, I felt obliged to withhold the expression of my acquiescence in your suggestion as to the appointment of Senators or Judges. (You have since then laid before me certain recommendations as to Senatorships which are vacant).

These are life appointments, and with them, under such circumstances as the present, it would seem proper to leave all other life appointments, and the creation of all new offices and appointments for the consideration of the incoming Ministers, unless always such a course is shewn to be contrary to the public interest.

In the case of the Senate, which consists of seventy-eight members, it is to be noted also that there are said to be now no more than five Senators who are Liberals. And it may well be urged that to aggravate this inequality at the present time would not only tend to embarrass the probable successor of this Government, but to increase the risk of friction between the two chambers of the Legislature.

In the case of Judges, I will only add that, bearing in mind the ordinary length of their tenure of office and also the long political predominance of one political party in the Dominion Parliament, the current deduction as to the complexion of the political opinions represented upon the Bench, whether baseless or well founded is not unnatural.

As to the remaining recommendations which are before me, and generally as to other business of a similar nature, all seem to me to be subject to the same governing consideration. Whatever business can wait without detriment to the public interest, may properly do so.



## GOVERNMENT

### Considerations relating to Minority Governments

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## Canadian Minority Governments

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1921

### PARTY STANDING

Liberal .....	117
Conservative .....	50
Progressive .....	64
Labour .....	3
Independent .....	1

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TOTAL: 235

Needed for Majority: 118; Deficiency: 1

DATE OF ELECTION — December 6, 1921

PARLIAMENT MET — March 8, 1922

ADDRESS ADOPTED — March 23, 1922

1925

### PARTY STANDING

Conservative .....	116
Liberal .....	101
Progressive .....	24
Labour .....	2
Independent .....	2

---

TOTAL: 245

Needed for Majority: 123; Deficiency: King: 22; Meighen: 7

DATE OF ELECTION — October 29, 1925

PARLIAMENT MET — January 7, 1926

ADDRESS ADOPTED — March 3, 1926

KING GOVERNMENT DEFEATED — June 28, 1926

MEIGHEN GOVERNMENT DEFEATED — July 2, 1926

DATE OF SUBSEQUENT ELECTION — September 14, 1926

1957

PARTY STANDING

Progressive Conservative .....	112
Liberal .....	105
C.C.F. ....	25
Social Credit .....	19
Independent .....	2
Independent Liberal .....	1
Liberal — Labour .....	1

TOTAL: 265

Needed for Majority: 133; Deficiency: 21

DATE OF ELECTION — June 10, 1957  
PARLIAMENT MET — October 14, 1957  
ADDRESS ADOPTED — November 15, 1957

1962

PARTY STANDING

Progressive Conservative .....	116
Liberal .....	100
Social Credit .....	30
New Democratic Party .....	19

TOTAL: 265

Needed for Majority: 133; Deficiency: 17

DATE OF ELECTION — June 18, 1962  
PARLIAMENT MET — September 27, 1962  
ADDRESS ADOPTED — October 11, 1962

1963

PARTY STANDING

Liberal .....	129
Progressive Conservative .....	95
Social Credit .....	24
New Democratic Party .....	17

TOTAL: 265

Needed for Majority: 133; Deficiency: 4

DATE OF ELECTION — April 8, 1963  
PARLIAMENT MET — May 16, 1963  
ADDRESS ADOPTED — May 29, 1963



1965

PARTY STANDING

Liberal .....	131
Progressive Conservative .....	97
New Democratic Party .....	21
Ralliement des Cr�ditistes .....	9
Social Credit .....	5
Independent .....	2

TOTAL: 265

Needed for Majority: 133; Deficiency: 2

DATE OF ELECTION — November 8, 1965

PARLIAMENT MET — January 18, 1966

ADDRESS ADOPTED — January 31, 1966



## GOVERNMENT

### Access to Records of Other Administrations

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**Letter from Clerk of Privy Council to Incoming Prime Minister  
regarding Access to Cabinet Records of Resigning Government**

---

CONFIDENTIAL

Ottawa, April 17, 1963.

The Honourable L. B. Pearson,  
House of Commons,  
Centre Block,  
Ottawa.

Dear Mr. Pearson:

I thought I should let you know of the arrangement I proposed to Mr. Diefenbaker today concerning the retention of the Cabinet minutes and Cabinet Committee minutes of his government which we prepare here in this office. This is similar to the arrangement made between Mr. St-Laurent and Mr. Diefenbaker in 1957.

Mr. Diefenbaker agrees that the records of the Cabinet meetings and of Cabinet Committee meetings should be retained here in the custody of the Secretary to the Cabinet, to be seen only by Ministers who were members of the government at the time the meetings took place and by the Secretary to the Cabinet or such persons on his staff as he authorizes to see them, on a confidential basis, where that is necessary for the proper discharge of their duties.

It would therefore be the understanding that these documents would not be seen by members of the incoming government or their staffs, nor by any future Ministers who were not members of the Cabinet at the time of the meetings to which these records relate.

I believe that this would be generally in accordance with British practice and a proper course to follow here in Canada. I would hope that it would meet with your approval and that you could confirm to me that I and my successors should retain those papers on this understanding.

I should take this opportunity to add that the Canadian government has not as yet formulated any definite policy regarding the opening of Cabinet records, as well as other official papers, for access by scholars or others after a lapse of a suitably long period to enable their contents to be published without causing harm. I hope that it will be possible to take this matter up with your government during the next year or two, as it is a matter of concern to a number of the Learned Societies in Canada and it is quite desirable that access to some government records be granted soon. I assume that, before a decision were reached on this, there would be informal consultation at least with Privy Councillors who had

been members of former governments so that some general consensus of view might be reached on this matter of mutual interest. I should say that a number of the officials who have been concerned with this matter favour providing access to such papers after thirty-five years or thereabouts and I think this period, or perhaps a slightly shorter one, probably would commend itself to Mr. Diefenbaker.

Yours sincerely,

(Sgd.) R. B. BRYCE.



**Prime Minister's Reply to Letter from Clerk of Privy Council  
regarding Access to Cabinet Records of Resigning  
Government**

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PRIME MINISTER - PREMIER MINISTRE

*Confidential*

Ottawa, June 12, 1963.

Dear Mr. Bryce:

This is a formal acknowledgment to your letter of April 17, concerning the disposition of Cabinet minutes and Cabinet Committee minutes, about which we have had a word.

I agree to the proposals set forth in your letter.

Best regards,

Yours sincerely,

(Sgd.) L. B. PEARSON

Mr. R. B. Bryce,  
Clerk of the Privy Council,  
Privy Council Office,  
East Block,  
Ottawa, Canada.

**Extract from *United Kingdom H. of C. Debates* of 28 January, 1960,  
regarding Access to Government Records by Former Ministers**

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**EX-CABINET MINISTERS**

**[CABINET DOCUMENTS AND DISCUSSIONS]**

Mr. Shinwell asked the Prime Minister what privileges are allowed to ex-Cabinet Ministers in the use and publication of documents and content of Cabinet discussions when no longer in office.

Mr. R. A. Butler: I have been asked to reply.

It is customary to allow former Ministers of the Crown access to Cabinet and other documents which they saw during their period of office. Like other persons who have held office under the Crown, they are under an obligation to obtain permission from the Government of the day for the disclosure of any unpublished information which they obtained by virtue of their official position. As a general rule, Cabinet documents, or extracts from them, may not be published.

**Memorandum by Secretary to U.K. Cabinet regarding Access by Ministers  
to Documents of an Earlier Administration**

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**ACCESS BY MINISTERS TO DOCUMENTS OF AN  
EARLIER ADMINISTRATION**

Since the documents of one Administration are domestic to it, a succeeding Administration has no right of access to them. This is the traditional rule though it has been qualified in practice in two ways. First, access to the documents of an earlier Administration may be given with the consent of the Prime Minister of that Administration (or, if he is dead, the Leader of the Party concerned). Secondly, if the incoming Administration is of the same political complexion it is customary for Ministers demitting office to hand over their documents to their successors so far as they are required for current administration. But, if a General Election results in a straight Party change, the Cabinet papers of the outgoing Government are returned to the Cabinet Office so that they may not be readily accessible to incoming Ministers of a different political Party.

In the United Kingdom it was unnecessary to enforce this rule between 1929 and 1951; for during that period none of the General Elections resulted in a straight Party change until the Election of 1945 and, even then, the effective change, so far as Cabinet papers were concerned, was from the War Coalition to the Labour Government for the short-lived Conservative Caretaker Government of 1945, as its name implies, transacted no "political" business. The resignation of the Labour Government in 1951 therefore marked the first straight Party change for over twenty years and, despite the fact that during this period there had been a change in the general character of Cabinet papers (a far smaller proportion of them now being concerned with politics as distinct from administration), the Prime Minister (Mr. Attlee) decided that the rule should be enforced.

He therefore asked his colleagues to return to the Cabinet Office the papers and minutes of the Cabinet itself and of nearly all Ministerial Cabinet Committees and other Ministerial meetings. The only exceptions from the general rule were the papers of a few Committees which contained little material likely to be the subject of political controversy and were needed for current administration. At the same time the Secretary of the Cabinet wrote to the official Heads of Departments saying that, if subsequently senior officials found that administration was being seriously hampered by their not having access to old Cabinet papers, he would be ready to consider applications for the return of particular papers for current Departmental use. In fact very few such applications were made.

(Sgd.) NORMAN BROOK

Cabinet Office,  
London, S.W.1.  
3rd July, 1957.

