

Oral Questions

Mr. Robinson: My question is for the Prime Minister. When in opposition the Prime Minister's Party, through the late Walter Baker, promised that a top priority, a fundamental government priority, was amendments to access to information legislation, permitting full judicial review of all disputed documents, including cabinet documents. Indeed, such a provision was included in previous Conservative legislation on access to information. Why is it that the Prime Minister's Government is now breaking this fundamental commitment that was made by his Party through Walter Baker?

Why, in turn, has the Prime Minister adopted the Liberal policy of secrecy and of refusing to trust the courts with cabinet documents?

Mr. Nystrom: Leader.

Mr. Hnatyshyn: Government House Leader, Mr. Speaker.

Mr. Chrétien: Do you have to consult Erik before opening your mouth?

Some Hon. Members: Oh, oh!

Hon. Ray Hnatyshyn (Minister of State (Government House Leader)): Mr. Speaker, with respect to the question posed by the Hon. Member for Burnaby, who has long been involved and interested in this whole area of access to information, and who served on the committee, he will know that we have just now referred the question of the operation of the access to information legislation to the Standing Committee on Justice and Legal Affairs. This committee will have a wide-ranging ability to look into the operation of the legislation and to make recommendations with respect to that legislation. I invite the Hon. Member to make his representations, as I do all Members, to that committee, and I am sure they will receive the attention they deserve.

POSITION OF MINISTER OF JUSTICE

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, my supplementary question is for the Minister of Justice. Would he explain to this House his statement that the cabinet system of government would crumble if judges were allowed to examine cabinet documents? Why is it that he and his Government have turned their backs on the fundamental commitment that was made by Walter Baker to allow full judicial review of all cabinet documents? How is this going to result in the crumbling of cabinet government in this country?

Hon. John C. Crosbie (Minister of Justice): Mr. Speaker, the whole system, and the hon. gentleman, might crumble if we opened up Privy Council confidences.

Mr. Deans: That was pretty kookie.

Some Hon. Members: Oh, oh!

Mr. Crosbie: Am I to be allowed to answer the question, Mr. Speaker? We are not even allowed to answer questions in the House, and you ask about access to information!

Some Hon. Members: Oh, oh!

Some Hon. Members: Hear, hear!

Mr. Deans: It is not our fault. Speak to your Leader.

Mr. Crosbie: Yesterday, Mr. Speaker, I was asked by the press about the case of the Auditor General versus Petrofina Petro-Canada and the Government of Canada. I said the issue there was that we could not agree to give the Auditor General access to confidences of the Privy Council in that particular instance; one, because there is a commitment that we will not go into the documents and cabinet confidences of previous administrations, including that of the Leader of the Opposition and of the administration of Mr. Trudeau, which was a little longer than that of the last Leader of the Liberal Party; two, because it would be wrong for the Auditor General to have access to those confidences. They are not necessary, in our view, for him to carry out his auditing functions properly.

That is not to say, and I never said, that judges should be prevented from having access to certain documents. That is another issue. As a matter of fact, in a great blow for liberty, I just instructed the Department of Justice not to go forward with an appeal in the Ternette case. The hon. gentleman should be congratulating me for a great step forward.

Some Hon. Members: Hear, hear!

AUDITOR GENERAL'S REQUEST FOR DOCUMENTS

Mr. Svend J. Robinson (Burnaby): My final supplementary question, Mr. Speaker, is for the Prime Minister. Perhaps the Prime Minister might care to recall the speech he made in Kingston and explain why it is that behaviour which was totally unacceptable, then, according to the Prime Minister, that is, the refusal to disclose the documents requested by the Auditor General, is suddenly acceptable now? Why is his Government refusing, and continuing to stonewall the Auditor General in his pursuit of information concerning the expenditure of millions of taxpayers' dollars? Why is there continued stonewalling and secrecy? Why the breach of another sacred trust by this Government?

Right Hon. Brian Mulroney (Prime Minister): Mr. Speaker, as the Minister of Justice has just indicated, I think the information being sought can properly be segregated into categories. One apparently is with respect to an attempt by the Auditor General, prior to our coming to office, to seek out information that is contained only in classified cabinet documents or memoranda. I undertook, on behalf of this administration, not to ferret about in the documents of previous administrations, as has been done before me. But for information that is requested there is a proper channel for me to secure it through the Clerk of the Privy Council. I think that is proper, that Cabinet be able to function under the British parliamentary system in that way.

With regard to the second part of the information being sought, which is basically the same kind of information, we are