

circumstances. I hope that the hon. member for Vancouver Centre will invite Senator Flynn to come before the committee to explain the position—

**Mr. Clark:** You get the reference.

**Mr. Chrétien:**—taken by the Conservative Party when it was in power, when it asked the municipalities to deal with the matter as that party felt it had nothing to do with the Criminal Code. At least I have consented to look into the matter and refer the matter to the committee, and have not simply referred the problem to the municipalities, as was the case when the Leader of the Opposition was the prime minister.

\* \* \*

### FREEDOM OF INFORMATION

#### COMMITTEE STUDY OF LEGISLATION

**Mr. Svend J. Robinson (Burnaby):** Madam Speaker, my question is directed to the Minister of Communications, the minister responsible for freedom of information legislation. The minister has refused to appear before the justice committee for over four months, concerning freedom of information legislation, using the excuse that he was waiting for the provincial governments to respond to a uniform act. Now that the majority of the provincial governments have stated that they want nothing to do with a uniform act, when will the minister stop stalling the bill and bring the bill before the justice committee, or will the minister allow the bureaucrats, some of his own cabinet colleagues, and perhaps even the Prime Minister, who has never been particularly enamoured of the idea of freedom of information legislation, to kill this long overdue bill? Specifically, is the minister prepared to give us a commitment that this bill will be brought back before the justice committee in this session of Parliament?

**Hon. Francis Fox (Minister of Communications):** Madam Speaker, obviously we are all committed to the principle of freedom of information. When the hearings on the bill were suspended in November, it was at the specific request of the attorneys general of just about every province, the sole exception being the province of Manitoba. Since that time a number of the attorneys general who had asked us to pursue the idea of coming up with a uniform bill concerning freedom of information, which indeed would have been a distinct advantage for all advocates of freedom of information, have changed their minds as they feel that the uniform approach would not be productive. However, most of them have maintained a number of objections, as outlined in Mr. McMurtry's letter of November, to the effect that certain of the sections in the actual draft bill which is before the committee ought to be re-examined and changed.

As I indicated to the hon. member during the course of my answer to him and to the hon. member for Nepean-Carleton a couple of weeks ago, there were basically three options in front of the government. One was to pursue the uniform bill approach, which is no longer possible since the attorneys

### Oral Questions

general have changed their minds. The second was to bring the bill back from the committee without amendment, and the third possibility was, of course, to bring the bill back to the committee with a number of amendments.

I have finished my analysis of the recommendations made to us by the provinces, and I have reported to my cabinet colleagues. This matter is now in front of the cabinet, and once a decision has been taken I will be able to give the hon. gentleman a more forthcoming answer.

**Mr. Robinson (Burnaby):** Madam Speaker, when the minister appeared yesterday before the committee on communications, he did not even indicate that freedom of information legislation was a priority.

#### QUERY RESPECTING CROWN PRIVILEGE

**Mr. Svend J. Robinson (Burnaby):** Madam Speaker, my supplementary question is directed to the same minister. In view of the fact that the provincial objections centre around two fundamental areas, that is, removal of Crown privilege and the right to independent judicial review, both of which are absolutely critical for an effective freedom of information act, will the minister assure the House that he will in no way water down this fundamental principle of independent judicial review and an end to Crown privilege, both principles which this government, and particularly this Prime Minister, had to be dragged, kicking and screaming, to accept? Can we be assured that these principles will be maintained in any legislation which the government brings back to the justice committee in this session of Parliament?

**Hon. Francis Fox (Minister of Communications):** Madam Speaker, I think there are indeed two questions raised by the hon. member. One concerns the access to information legislation and one concerns Crown privilege. As far as the access to information legislation is concerned, I would very much hope that, as soon as my cabinet colleagues have been able to finish their examination, we will be able to take a definitive position as to when and how we would want to reintroduce the bill or continue hearings in front of the committee.

The hon. member himself has indicated that the main concern of the provincial attorneys general centred around the disappearance of Crown privilege. The hon. member may also know that there have been a couple of court decisions in this country during the course of the fall of 1981 which have changed the common law in many respects concerning Crown privilege. Therefore, it is indeed important to follow the recommendations of the attorneys general, to re-examine the whole question of Crown privilege in the light of evolving jurisprudence in this country and in the countries which follow common law.

#### REQUEST FOR URGENT CABINET CONSIDERATION

**Hon. Walter Baker (Nepean-Carleton):** Madam Speaker, may I have an undertaking from the Minister of Communications that there will be urgent consideration by the minister