

Supply—Justice

been complied with. I do not see why an order of this kind has not been complied with in seven weeks time. It seems to me it has become a growing habit of this house to supply members of parliament with information on the day after the estimates have passed this house, and I think it is very much to be regretted. For a number of years now we have had the annual reports of a number of crown corporations or of ministers in our mail boxes on the morning following the final passing of the estimates. The motion passed by this house on April 20 last read:

For a copy of any letters, lists or other memoranda sent to Central Mortgage and Housing Corporation by the Department of Justice since January 1, 1956, stating the names of legal agents that may be engaged by the corporation.

That, Mr. Chairman, involved a copy of only a few lists, if the minister has in fact reviewed the list from time to time. If the minister has never reviewed the list and only once submitted a list that would be acceptable to a Tory government, then there would have been only one list to file in order to comply with the order of the house. Our only assumption can be, unless there is a satisfactory explanation, that this thing has been delayed for seven weeks until after the estimates have been disposed of.

Mr. Fulton: I think I should deal with this matter immediately. I shall start with a reference to the return. Without hesitation I apologize to the hon. gentleman if the return has not been brought down. I thought it had, because it is a nil return. I say that on the basis that the communications with respect to the employment of legal counsel are not sent in the manner suggested. I do from time to time advise my colleagues, the ministers for various departments, in response to their requests for such advice, as to what lawyers might appropriately be retained by their departments as agents, or by the various agencies for which they are responsible. This advice is sometimes given orally; occasionally it is given in the form of memoranda and, of course, as such it is correspondence between ministers which is of a privileged nature. There is no correspondence of this sort between my department and C.M.H.C., in any event, and therefore there is nothing to bring down in response to the order of the house. I am sorry, indeed, if the hon. member feels aggrieved because he had not been informed of that earlier.

With respect to this situation generally, there are a number of facts here which have not emerged clearly from the account which has been given by the hon. member for Burnaby-Coquitlam and which I think should be placed upon the record. In placing them

upon the record I regret if anything I have to say may seem to reflect upon the lawyer who is the subject of this correspondence. However, I shall confine my remarks to a statement of facts and if the facts should seem to be any reflection, then I regret that I find it necessary because of the position in which he himself has placed me and the hon. gentleman from Burnaby-Coquitlam has placed me whereby an explanation is essential. I think the committee is entitled to an explanation.

Mr. Regier: I had his permission.

Mr. Fulton: I am not suggesting the hon. gentleman did not have his permission.

Mr. Regier: I did.

Mr. Fulton: It is perfectly true that Mr. Freeman has been attempting for something over a year and a half to obtain work as an agent for Central Mortgage and Housing Corporation. I start with this premise, and here I take direct issue with what the hon. member for Burnaby-Coquitlam has said. It is not, as I conceive it, the right of any lawyer in Canada that he should have his services retained by the government or by a government department. On that basis, if the proposition were accepted, it would be necessary for us eventually to retain the services of every lawyer in Canada.

It is my responsibility as Minister of Justice, as I indicated in my letter which has been placed on the record, to advise the government of Canada and the various departments and agencies thereof—and those departments are, of course, advised by their ministers—as to who are the lawyers practising in Canada whose services might be properly retained on behalf of the government. I think I should at this point and in order that it might appear here in the context, read what I said to Mr. Freeman:

My responsibility as Minister of Justice includes recommending from time to time the names of lawyers across Canada who are best able to perform the legal work that the government of Canada or certain of its agencies may require to have done. In carrying out this responsibility it is my duty to exercise my judgment as to the names of those who should be recommended on the basis of the best assessment I can make of the situation.

I doubt whether any member of this house would disagree with this statement. It is not possible to employ every lawyer in Canada. As I have said, no lawyer in Canada is in a position where he can come and say, "I have an absolute right to be retained by the government". Even if he did, we do not have enough work to retain them all. Therefore, it is necessary for the minister to make a selection as between the lawyers whose services are available.

[Mr. Regier.]