

Business of the House

Mr. Deans: Madam Speaker, there are two additional matters I would raise. If it is apparent that the Committee to which the Bill is referred is not prepared to deal with it in time to allow it to pass through the House, the Senate and receive Royal Assent before we leave a week from next Wednesday, will the Government House Leader ask that that Bill be brought back and referred to another committee that has the time and the will to deal with it properly?

Mr. Pinard: Madam Speaker, as I have just indicated, we have never meddled with committee business. We do not intend to start now.

Mr. Baker (Nepean-Carleton): Madam Speaker, the President of the Treasury Board is in the House. As he knows, this House and the other place have approved Bill C-43 respecting freedom of information and privacy. He has indicated to the House that he intended to proclaim the Bill on April 1, 1983. This does bear on business because, as the hon. gentleman knows, this House will have to take a step in terms of the appointment of commissioners. I would ask the hon. gentleman if it is the intention of the Government still to proclaim that Bill on April 1.

[Translation]

Mr. Pinard: Madam Speaker, I discussed this with the Minister of Justice (Mr. MacGuigan), and I believe it would be preferable to appoint the Information Commissioner before royal assent is given. I also discussed the appointments, and the parties indicated that substantially, they agreed with the proposals but would still like to make representations and comment on this subject. Therefore, I would like to give the House the assurance that we shall proceed with the joint resolutions as our last item before the session is prorogued. As soon as the appointments are made, I believe the Minister of Justice (Mr. MacGuigan) would prefer to delay royal assent for thirty days until the Information Commissioner has had a chance to become acquainted with his new duties before he is to implement the legislation in question. The situation is therefore that first of all, we must appoint an Information Commissioner. When? At the end of this session. Second, when will this session end? The answer is up to the Opposition. Third, when will the legislation take effect? As things stand now, it will probably be thirty days after the appointments are made.

[English]

Mr. Baker (Nepean-Carleton): Madam Speaker, I guess that the decision as to when the session ends is in the hands of all of us, including the Government House Leader.

I have another question that relates to the Business of the House. One of the issues is the fees to be charged on applications, for duplication, for searches and all other things that are necessary with respect to the matter. Between now and the time when that Act is proclaimed into force, is it the intention of the Government to table in the House of Commons a statement, by Order in Council or otherwise, of fees that will

apply in each particular case? Are we now at that stage? Also, will there be standard fees throughout the Government, or will those fees vary from Department to Department?

Mr. Gray: Madam Speaker, we are now working on the very issue that the Hon. Member has raised. We have not completed our consideration of it. I have been working with a view to being ready to proclaim the Act on April 1, but for the reasons the President of the Privy Council (Mr. Pinard) mentioned, it now seems sensible to wait for 30 days after the two commissioners are appointed. I will strive to get a decision on the schedule of fees so that I can make the information available before or at the time the Act is proclaimed.

Mr. Baker (Nepean-Carleton): Thank you.

Mr. Deans: Madam Speaker, I have one final point with regard to Bill C-653. I do not know whether I am misreading or misunderstanding what the mood is, but I believe I heard the Government House Leader say it is the hope of the Government that we will have dealt with the Bill in all stages and it will become law prior to a week this coming Wednesday. In the interest of having this matter dealt with as expeditiously as possible, will the Opposition House Leader tell us what his Party's view is, since I get the sense that there may be some problems?

Mr. Lewis: Madam Speaker, I am perfectly free to meet with the NDP House Leader and the Government House Leader at any time to discuss this matter, but I do not think we should do it on the floor of the House.

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POINT OF ORDER

MR. ANDRE—PROVISIONS IN SUPPLEMENTARY ESTIMATE (C)
1982-83

Mr. Harvie Andre (Calgary Centre): Madam Speaker, I rise on a point of order that is becoming kind of habitual. It has to do with the Estimates and whether in fact the Estimates are in order. As you are well aware, Madam Speaker, the issue of Estimates and the Appropriation Act flowing from the Estimates has been the subject of many points of order going back to 1971, I guess initiated as a result of the rule changes in 1969. I will not go over all the arguments. However, I want to quote from Your Honour's decision of June 12, 1981 wherein you quoted Mr. Speaker Jerome of March 1977 when he said:

The Government receives from Parliament the authority to act through the passage of legislation and receives the money to finance such authorized action through the passage by Parliament of an Appropriation Act. A supply item in my opinion ought not, therefore, to be used to obtain authority which is the proper subject of legislation—

Madam Speaker then went on to say:

In other words, the Government may not by the use of an Appropriation Act obtain authority that it does not have under existing legislation.

That is very clear, very precise. The Government is not to seek authority under an Appropriation Act which it does not have under existing legislation. In view of that very clear