

Government to use at any time when it needs an excuse to enter further into the daily newspaper industry in Canada. What could be a more dangerous attitude on the part of a Government that professes to respect freedom of speech and freedom of the press?

I invite Members of the Government at large to ask themselves this question: Where freedom of the press has died around the world, has it died because of neglect by government or has it died because of too much involvement and control by government? In every single instance in the history of the press around the world, the single greatest threat to a free and unfettered press has been a government that believes it has a monopoly on truth, that it has the responsibility of sitting in judgment on journalists and that it has the right to ensure, through whatever method it wishes, that its particular point of view prevails. Because of this measure, that is what we are seeing happening today. The Government, Mr. Speaker, has used the taxpayers' money, it has used intimidation, and now it is prepared to use the law to attack one of the most basic liberties that all Canadians must enjoy if our democracy is to flourish.

I have a copy of a confidential document that was prepared by the Minister on March 31, 1982, and is marked "Minister's Eyes Only", in which the Government analysed the Kent Commission proposal. One of the problems found with the Kent Commission proposals was that they might be largely unconstitutional and illegal. The Government backed off somewhat and made other proposals. Interestingly enough, Mr. Speaker, this document has never been officially released by the Minister or made available to Parliament because he does not want Canadians to see it.

In its own document, the Government raises very serious questions as to the legality of its own proposals. For example, Mr. Speaker, I mentioned to you earlier that the Government had a proposal for review if a non-media company wanted to purchase a daily newspaper. The Government proposed that a non-media company must go before the Restrictive Trades Practices Commission and justify to Government appointees that the purchase of a newspaper would be in the public interest. Well, I know what the Liberal Government means when it refers to the public interest; it means the interest of the Liberal Party.

On the bottom of the page that deals with this proposal, the Minister, in his "Minister's Eyes Only" document, says that even this review process may be struck down by courts. The Government is preparing to introduce in Parliament legislation that, according to the Minister's own documents, may very well be illegal and unconstitutional. Indeed, there are serious doubts as to whether the whole of the initiatives being taken by the Government may first contravene the provisions of the Charter of Rights and Freedoms which guarantees freedom of the press in Canada, and second, and even more probably may very well violate the separation of jurisdiction provisions in the Canadian Constitution.

The Minister of State for Multiculturalism, who is responsible for these proposals, has not released and will not release any legal opinion that he has received on this question. The

### *Supply*

closest thing that we have to a legal opinion is this internal document which indicates that he himself recognizes that his proposal may be illegal. He will not release it. He will claim solicitor-client confidentiality if we ask him for that document. It may also be that he has never asked for any official legal opinion from the law officers of the Crown. But one thing is certain. Parliament will not be allowed to see that document.

I have asked the Library of Parliament and its research branch to prepare a paper on the division of powers implication of the Kent Commission and the Minister's proposals on press ownership. That document is available to Parliament, to Canadians at large and to anyone who has an interest in it, including the Minister. The conclusion reached by that document is that there is a very serious question as to the constitutional right of the Government to act in the way in which it is proposing. It concluded that there is serious doubt as to whether in fact the Government has the jurisdiction that it claims it has. For example, the conclusion reads:

From the above, it can be seen that it is by no means clear that the central government has the legislative authority to enact the proposals of the Commission.

It refers there to the Kent Commission.

The best arguments for jurisdiction would seem to relate to the central government's power to regulate or restrict competition. This, however, creates a problem for the Commission, because if the basis for the claim of legislative jurisdiction is the control of competition, the proposals may suffer the same emasculation that the merger provisions presently found in the Combines Investigation Act have undergone.

Further, the paper concludes this:

Specifically, it may be concluded that:

1) The proposals of the Commission dealing with concentration of ownership on the basis of market shares and the divestment requirements related thereto do not fall clearly within the legislative competence of the central government. This would apply as well to the Fleming proposal on non-media ownership. On the basis of the legislative competence of the central government and the provinces to deal with competition, trade and commerce, property, and civil liberties, the jurisdiction to enact these proposals is at best shared between the two orders of government.

It goes on to deal with other aspects of the question as well. This legal opinion, Mr. Speaker, is available to Parliament. It is available to the Canadian people. I challenge the Minister of State for Multiculturalism, when he introduces his odious Bill, to introduce a legal opinion as well which will indicate the constitutional validity of what he is proposing. I invite him to refer to the Supreme Court the Bill that he will be introducing to see whether in fact he is making a serious attack both on the freedom of the press provision of the Charter of Rights and on the constitutional division of powers which are so important to the Canadian federal system.

The Government will not do as I have suggested. Instead, it will attempt to introduce legislation and to ram it through the House of Commons. That will seriously restrict the rights to freedom of the press in Canada. It is a proposal that will be fiercely resisted by Members on this side of the House who believe in a free press. As well, it will be fiercely resisted by Canadians at large who recognize that nothing could be more dangerous to our system of Government than to have the