

*Oral Questions*

not able to make a commitment to get this bill through and if he cannot handle his job, will he do the honourable thing and resign?

**Hon. Francis Fox (Minister of Communications):** Madam Speaker, I thank the hon. questioner for his—

**Some hon. Members:** Oh, oh!

**Mr. Fox:** That was obviously a slip of the tongue, Madam Speaker. What we need is better members so that we are not asked silly questions.

The question of Section 41(2) is indeed part of the bill on access to information. There is a number of amendments to Section 41(2) proposed in the bill which is presently before the House. As the Prime Minister indicated, and as the House leader indicated last week, we expect to be in a position to take a final decision on whether we will be bringing amendments back to the House when the bill is brought back from the committee, and the hon. member will be able to see at that time exactly what is the status of the new Section 36.1.

• (1420)

## OBSERVANCE OF SPIRIT OF LEGISLATION

**Hon. Ray Hnatyshyn (Saskatoon West):** Madam Speaker, my supplementary question is directed to the Prime Minister. Earlier in this part of his tenure he issued a directive to all government departments, all public servants and all ministers, that notwithstanding the fact that the freedom of information bill had not been passed, the spirit of the legislation was to be followed.

In view of the fact that yesterday the Solicitor General indicated in the House that because the freedom of information bill had not been passed—and that was the only reason—he felt obliged to invoke Section 41(2) of the Federal Court Act, whereas if the legislation had been in place—Madam Speaker, the Prime Minister is consulting with his today, if you do not mind. Would the Prime Minister indicate whether that directive stands, and will he direct the Solicitor General to release documents for the fair defence of accused persons in the province of Quebec, in the spirit of the freedom of information bill? The Solicitor General is apparently reluctant to do so as the bill has not been passed.

**Right Hon. P. E. Trudeau (Prime Minister):** Madam Speaker, I would want to defer to the Solicitor General to know to what document the hon. member is referring. If they are documents which are not intended—for instance cabinet minutes—to be produced to the court, the answer would have to be no. I would have to know to what documents he is referring. Perhaps he could pose a supplementary question to the Solicitor General.

## REQUEST FOR DISCLOSURE OF DOCUMENTS IN TRIAL OF ROYAL CANADIAN MOUNTED POLICE OFFICERS

**Hon. Ray Hnatyshyn (Saskatoon West):** Madam Speaker, may I put a supplementary question to the Solicitor General.

Yesterday the minister gave us the insane proposition that if the freedom of information bill had been passed he would have released the documents with respect to the RCMP officers on trial and hung out to dry by this government in the province of Quebec. In view of the fact that the Prime Minister indicates there is a directive, will he now reverse his decision and allow those documents to be produced for the RCMP officers in question?

**Hon. Bob Kaplan (Solicitor General):** Madam Speaker, the Prime Minister wrote to me, as he did to all other ministers, asking us to be guided by the access to information legislation as if it were in effect. The difficulty in dealing with the documents that I had before me was that the access to information law provides new machinery which I would rely upon if it were law, but upon which I cannot rely until it is enacted by the House. I am governed by the access to information law as far as I can be.

The presence of a bill does not create machinery for going to a court, such as the access to information bill would provide, to weigh considerations of public interest of disclosure or non-disclosure. If the access to information law were in place it would have machinery which I would be able to follow. But it is not in place, so while I follow the policy of access to information law I cannot use the machinery that that law would create if it were in effect.

**Madam Speaker:** The hon. member for Oshawa.

**Mr. Broadbent:** Madam Speaker, first of all, in response to the question raised by the Prime Minister I should like to say that we join completely with the official opposition in offering assurances that there would be most speedy debate on the freedom of information bill if the government would only bring it forward.

**An hon. Member:** One day?

**Mr. Broadbent:** There would be a one-day debate if the government would produce that bill.

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## NATIONAL ENERGY BOARD

## CHANGE IN NATURAL GAS SUPPLY FORMULA

**Hon. Edward Broadbent (Oshawa):** Madam Speaker, I should like to put a question to the Minister of Energy, Mines and Resources. Yesterday I asked him a question about the new formula to be used in determining natural gas supplies in Canada. He is aware that the present formula refers only to present reserves, that is to say, reserves known to exist. The National Energy Board recklessly wants to change that formula by including unproven reserves in its calculations. Considering that this will really put into jeopardy the energy future of Canada by relying on guesstimates about our gas supplies, will the minister give unequivocal assurances to the