

Mr. WATSON (*Châteauguay-Huntingdon-Laprairie*): Suppose Mr. Gordon were to be asked in the House of Commons about a proposed takeover of a private company, and suppose he wanted some detail. He would come to you and ask for details. Would this not supply you with a method to obtain the details for the Minister of Finance, whoever he happened to be at the time?

Mr. LESAGE: We could obtain those details for another department, of course; this would be possible. However, so far we have never been asked for such information. If we were asked, we would endeavour to give what we have, and that is all. I do not think foreseeing possible changes in the policy should dictate an amendment in the Companies Act at this moment. When the problem arises, then the government will introduce legislation. So far, we have no problem.

Mr. BASFORD: You see no harm in it being in the act?

Mr. LESAGE: If it is there in full, I see no harm.

Mr. BASFORD: What do you mean by "in full"?

Mr. LESAGE: With subsections (1) and (2); and even without subsection (2) I think the department would not disclose the information to the public. The Secretary of State, as any other minister, has the right to open or close files to the public. Under section 121F, even if subsection (2) has been deleted, the department can very well keep the files closed upon the ministerial discretion.

Mr. LAMBERT: That is hard.

Mr. LESAGE: But that is the law as it is for all departments; that is the general law. We were better with some clarification. The committee has decided to take it out of 121F, so we are falling back to where we were, but we are not opening any financial statement to the public by taking off section 121F (2); we are doing nothing at all.

Mr. DOUGLAS: But, is it not possible under this act?

Mr. LESAGE: No, it is not possible; it is illegal.

Mr. DOUGLAS: It is illegal to pay a certain amount and obtain this information.

Mr. LESAGE: Mr. Douglas, there is a judgment of the supreme court in this regard, although I do not have the exact reference. It was in respect of a British Columbia case about ten or fifteen years ago, where it was held that it is up to the minister to decide whether such information contained in the departmental files should be disclosed, except in major criminal cases, where the files must be produced because there is a major interest in criminal law. But, this principle outlined by the supreme court does not go any farther than that, and we are still where we were before.

Mr. DOUGLAS: Even with private companies?

Mr. LESAGE: With private and public companies.

Mr. DOUGLAS: I meant to say public companies.

Mr. LESAGE: Even with them, exactly.

Mr. MOREAU: Mr. Lesage, there is nothing in this act which prevents this. Certainly, the information could be made public if the minister decided it should.

Mr. LESAGE: Of course, but if he decides not to, that is another thing.

Mr. MOREAU: But, my point is that the deletion of subsection (2) of 121F did accomplish something, in that the minister can make these documents public. If we left that subsection in he could not. Also, I am opposed to subsection (2) of section 125A. I would prefer to see the whole section go.

Mr. LESAGE: I would too.