



# Recent Publications and Documents

**SELECTED DECISIONS OF SPEAKER JAMES JEROME 1974-1979**, published under the authority of the Clerk of the House of Commons, Ottawa, 1983, 174 p.

Proceedings in legislative bodies are based on Standing Orders, written conventions and decisions of successive Speakers. The latter is the subject of this book, intended as the first in a series which, when completed, "will bring together in summary form all the significant decisions of the Speakers of the Canadian House of Commons".

This volume contains more than one hundred decisions grouped under fifteen headings such as "Questions", "Adjournment Motion Proposed Under Standing Order 26", "Precedence and Sequence of Business", etc. Each ruling is presented in a uniform format with a paragraph of background information, a brief statement of the issue involved, a summary of the decision, the reasons given by the Speaker, authorities cited and references to appropriate pages in Hansard. The type is easy to read with English on the left hand page and French on the right. There is both an analytical and a chronological index.

The format works well in this case but it should not necessarily be applied to rulings of all previous Speakers. In many cases they were rulings on Standing Orders or problems that no longer exist. A decision will have to be made as to whether future books will be primarily historical works or whether decisions selected will be limited to include only those which still have some relevance today.

The book will be welcomed by parliamentarians and staff for it will save them many hours of searching for references. It is understandable, although unfortunate, that the names of the many people who collaborated on this collective work are not mentioned somewhere.

In the course of a session, Speakers deliver numerous rulings of a routine nature. It would undermine the usefulness of

the book if all such rulings were included. The editors tried to select those which, in their judgement, were the most significant. Still there is much repetition with several rulings making essentially the same point.

A more serious problem is caused by the difficulty of condensing all the nuances of a complicated procedural issue into a paragraph of background or a statement of the issue. Thus a few of the rulings seem to contradict each other. For example on July 25, 1975 Speaker Jerome ruled that an accusation by a newspaper that a Member of Parliament had leaked budget information to a businessman was a *prima facie* question of privilege (p. 20). Three years later "The Chair expressed serious doubts as to whether the convention of budget secrecy falls within the area of privilege at all." (p. 36). If the question arises again members will no doubt want to examine the original material in full.

The Editor

**CANADA'S NEW ACCESS LAWS: PUBLIC AND PERSONAL ACCESS TO GOVERNMENT DOCUMENTS**, edited by Donald C. Rowat, Ottawa, Carleton University, 1983, 165 p.

This book comprises a series of essays written by Professor Rowat's graduate students at Carleton University in a special seminar on Canada's new access to information laws given in the winter term 1983. By that time the federal government and four of the provinces, namely: Nova Scotia, New Brunswick, Newfoundland and Quebec, had adopted an access law. In addition, in Ontario, a commission had recommended that a public and personal access statute be enacted, and this recommendation had been accepted in principle, though not yet acted upon, by the Ontario government.

A similar book composed of a series of graduate student essays and edited by Professor Rowat was entitled *The Right to Know*. The book first appeared in 1980 and was updated in second and third editions in 1981. That book contained a detailed analysis of the public access part of the federal Bill, C-43, which was subsequently amended and enacted into two pieces of legislation, the *Access to Information Act* and the *Privacy Act*. The present book's emphasis is therefore not on the federal legislation, but rather on provincial legislation.

The book is divided into two parts. Part I is composed of three essays discussing the relevant federal legislation. One essay is devoted to problems concerning the implementation of the *Access to Information Act* and the likely consequences the Act will have for the information management function within the federal government. Another points to a number of shortcomings in the then existing Part IV of the *Canadian Human Rights Act*. These provisions have since been repealed with the coming into force of the *Privacy Act*. For instance, while Part IV of the *Canadian Human Rights Act* conferred broad rights of access to personal information contained in federal government files, it did not grant a right to judicial review of decisions to refuse access. Appeals could be taken by aggrieved individuals to a Privacy Commissioner who was given the power only to investigate and recommend disclosure, the ultimate power to decide resided with the appropriate minister. The essay rightfully points out that a very significant improvement in the new *Privacy Act* is the provision allowing for an appeal of the minister's decision to the Federal Court. A third essay outlines a number of concerns connected with the *Privacy Act*. The author notes that some of the possible problem areas may, in fact, never be barriers to access to personal information depending on how the relevant provisions are interpreted by departmental officials, the Privacy Commissioner and the courts.