

*Government Administration*

● (6:20 p.m.)

This is indeed a very broad scope especially when referring to the activity of a commission or some administrative or departmental authority. That would appear to include departments, commissions, agencies or corporations of federal, provincial or even municipal governments. It could also include authorities of professional organizations, trade union or others. For that particular reason, it appears that we would not have constitutional or legislative power to pass such a legislation, at least as soon as this bill would propose.

I refer to the text of the bill:

—records and information concerning its doings—

—and I insist on “doings” of administrative and or ministerial authorities. Such a vocabulary, in my opinion, can have several different interpretations.

Considering that this clause deals with organizations, specific bodies, one may venture to ask if there are activities or documents of the organization itself as opposed to those of the officials or the staff? Or still, a quite broad interpretation can be given and it is possible to conclude that it must include any document available to the organization or to the executive body concerned.

Allow me also to point out, by the way, that this clause provides that the information or the records must be made and I quote:

—available to any person at his request in a reasonable manner and time.

Now, I suppose that the individual would not even show a certain interest in obtaining the information and I suppose that those words were wilfully used by the hon. member, because public right—the public at large I suppose—to obtain publication of the required information is referred to in the bill and the interest in such a case would not be a criteria.

And evidently, all provisions are subject to the reservations mentioned in clause 2 of the bill. I feel that subclauses (a) and (b) of clause 2 are clear enough and do not lend to much discussion.

**Mr. Speaker:** Order. I must call the parliamentary secretary to order and point out to him that when on the second reading of a bill, it is not usually allowed to refer to specific provisions of the bill.

29180—75

**Mr. Forest:** Thank you, Mr. Speaker. I will keep to more general considerations. I submit that when the bill speaks of:

—trade secrets and commercial or financial matters of a privileged or confidential nature, obtained from private persons—

—it would be rather difficult to determine the extent of the privileged or confidential nature of the secrets or matters concerned. It would not be easy either to determine to what extent the public interest must exceed the private interest of the individuals who could finally be affected in various ways if certain information or actions were made public.

And, as mentioned by the hon. member, it is possible of course to answer that the court—that is the exchequer court in this case—would decide whether the requested information should be published. But one can wonder on what basis and in the light of what information the court could render judgment when it would not have at its disposal all the information needed to render a decision, especially in a private matter.

The present bill does not exclude the production before the court of files or documents affecting national security because it seems that the bill does not provide for any exception. It is easy of course to realize all the danger that such a procedure would entail. It would be a new and rather unusual procedure, Mr. Speaker, when without any special reason or cause one could simply refer, in a way which is not clearly stated, to the exchequer court in this case, any refusal by any commission or authority to hand over documents or divulge information to any person requesting it.

If Bill No. C-6 were passed in its present form, a special administrative court would have to be established, to consider the countless requests submitted and to decide whether or not the documents requested should be made public.

In the context of administrative law, judicial institutions necessarily play an incidental and subordinate role. The administrative system must be more than a compilation of judicial decisions, and evidently, government authorities' role is to rule and administer. If every decision made by the administration has to be reviewed and considered, without