

*Archives of Canada*

We have been aware of these deficiencies for a long time and many organizations have asked the Government to correct the situation by preparing a new Archives Act. Thus, adoption of a new Archives Act was recommended by the Glassco Commission in 1962, by the Symmons Commission on Canadian studies in 1975 and by the Federal Cultural Policy Review Committee in 1982. In 1983, a document proposing a new Archives Act was prepared and sent to various departments and agencies. After many interministerial consultations, this document was amended to respond to the concerns and needs expressed at these meetings. Finally, at the request of Cabinet and following a proposal of the Minister of Communications, in December, 1984, the Department of Justice undertook preparation of a new Archives Act. This is the bill for which I am now moving second reading.

What are the major characteristics of this Bill? Mr. Speaker, allow me to describe them briefly. Under the new legislation, the Archives of Canada will be responsible for conserving private and public records of national significance and facilitating access thereto. They are to be the permanent repository of records of government institutions and of ministerial records. The Bill provides that they will play a leading role in the management of government records and encourage archival activities and the archival community.

Under the new statute, the Archivist will have two special powers. Except in certain cases, no record under the control of a government institution and no ministerial record shall be destroyed without the consent of the Archivist. It also provides that the records of government institutions and ministerial records that, in the opinion of the Archivist, are of historic or archival importance are to be transferred to the care and control of the Archivist.

The Bill also provides that the mandatory deposit with the Archives of Canada or certain audio-visual recordings does not constitute an infringement of the Copyright Act.

Finally, the Bill establishes the Archives of Canada as a branch of the public service under the direction of the Archivist of Canada. Under the legislation, the federal archivist is appointed to that position, and the records and staff of the Public Archives are transferred to the Archives of Canada.

We believe that these provisions will benefit the Government and all Canadians. The conservation and operation of permanent public archives and important private archives will be more efficient under the new statute. The concept of heritage access will be clarified. Finally, the legislation confirms the leadership of the Archives of Canada in the establishment of a Canadian archival system which, while respecting for provincial jurisdictions and the independence of private institutions, will be able to guarantee to all Canadians that the records which constitute their heritage are preserved.

Ever since Bill C-95 was tabled in the House of Commons last February 12, I have been delighted by the positive response of provincial representatives, associations of archivists, university circles, and interested parties from the general public. I am also very pleased to note the consensus of all groups concerning the fact that the Public Archives Act of 1912 is outdated and must be reviewed by Members of Parliament.

The Saskatchewan provincial archivist stated, and I quote:

• (1310)

[English]

In the past decade or so, most of the provinces have adopted archival legislation as an aspect of public accountability. Such a role for the Public Archives of Canada was only dimly foreseen in 1912 and the current federal regulations in this field should now be supported by a solid legislative base.

[Translation]

He even affirmed that the new Canadian legislation will be beneficial for the whole Canadian archival system.

As to the *Association des archivistes du Québec*, it insists on the need for the Canadian Government to implement a legislation that will be more in keeping with the modern needs of archival management. This is what they wrote:

"Considering the leadership role of the Public Archives of Canada, we cannot overemphasize the benefits of the earliest possible implementation of that legislation."

The Association of Manitoba Archivists has also sent a letter to the Prime Minister urging him to have the legislation passed as quickly as possible.

[English]

This legislation has long been overdue, even though of vital importance to the systematic preservation of historically significant—records—

[Translation]

Some teachers from the Department of History of Laval University also wrote in support of Bill C-95.

There is an urgent and important need to update and clarify a legislative framework which dates back to 1912. It was also of vital importance to streamline the mandate of the Archives of Canada.

Some of the people and associations who sent us letters of support to this Bill highlighted possible areas of improvements. For example, there were questions on the independence of the Government of Canada in a situation where foreign governments may seek to have documents involving them destroyed.

The Social Science Federation of Canada agrees with the need to review the 1912 Public Archives Act and suggests amendments to the Bill to make it:

[English]

—more attuned to the spirit of access to information and the needs of the users of archives.

[Translation]

The same approach is shared by Mr. Desmond Morton, a professor of Toronto University, who wrote: