

Access to Information

Therefore, I ask for the unanimous consent of this House that the order of reference be modified and that there be reference to the Standing Committee on Justice and Legal Affairs.

Mr. Baker (Nepean-Carleton): Madam Speaker, the hon. member for Burnaby has just left the chamber for a minute. However, I had a discussion with him about this point. He is agreeable, I am agreeable and we are agreeable to the request. Therefore, I think it appropriate to make a House order to that effect.

The Acting Speaker (Mr. Ethier): Hon. members have heard the request of the Secretary of State. Is there unanimous consent?

Some hon. Members: Agreed.

Mr. Maurice A. Dionne (Northumberland-Miramichi): Mr. Speaker, I thank my colleagues for their applause and I hope I will get a little more when I am finished.

I begin on an agreeable note and I hope my remarks will also be agreeable. However, I must say I was somewhat surprised at the tone of the remarks of the Leader of the Opposition (Mr. Clark). While he did approve of the principle of the bill, it seemed to me he was somewhat overly critical of its substance. I found that a little surprising coming from a leader of a party who is opposed to the entrenchment of a charter of human rights and freedoms in the Canadian Constitution. On the other hand, I thought the remarks made by the House leader for the Progressive Conservative Party were much more constructive and much less strident. I will try to put my remarks in that category as well.

I am participating in this debate today not as an expert in law but as an ordinary citizen. I am concerned that big government, big corporations and big unions can withhold information from the average individual which may affect their very livelihood and in some cases their very lives. It is important that we, in a free society, have laws which prevent that kind of insidious use of information which may be a threat to a person's ability to earn a living and in some instances even a threat to his life.

As a member of Parliament I have sometimes wondered whether, in the performance of my duties, I have been given all the necessary information that I have asked for and to which I believe I have a right. There is a tendency in big government for some people to withhold information which they think may not be convenient for them to release. I think that is wrong. We must have protection in law for legislators and representatives of the people to have full access to any information they need in the performance of their duties. With the coming into force of this bill, which I hope will be relatively soon, at least now there will be redress if access is denied.

I am pleased the parties have agreed to have a short debate with time limitation on speeches so we can send this bill to committee. I hope that we will see more of this party co-operation with agreement to limit the amount of verbiage which

pass as speeches in this chamber. It seems to me that if someone cannot express themselves in 20 minutes, they should review what it is they want to say and find out if anyone is going to listen. I look forward to the day when all speeches in this chamber, with the exception of major speeches by party leaders, are limited to 20 minutes.

This bill is another step in the desire to enhance and protect personal freedom in our nation. In a world of increasing complexity, both information and the power to withhold it are potent weapons. Because we have agreed that information may be gathered surreptitiously under certain circumstances, it is more and more urgent to have written law to protect precious individual rights, which all too often can be arbitrarily suppressed for the common good by some nameless but powerful individual or group whose anonymity made them immune not only to prosecution but also to appeal.

I have some reservations about the bill, as I have about almost every bill, but one must assess one's reservations or the weaknesses one sees in a bill, with the over-all benefit of the bill itself.

First, I want to deal very briefly with clause 11(4). This clause gives the head of a department the authority to require a monetary deposit before a search is started for the production of a record. I can understand the reason for that. In fact, I agree that there should be some incentive for people not to make frivolous requests or to expect that very costly requests are going to be carried out without any onus on the individual making the request. I would hope that in the regulations to this bill there will be some circumvention of the power of heads of departments to require deposits that are so big as to be impossible for individuals to make. In other words, I hope that heads of departments will not be allowed to use that section of the bill as an excuse not to provide information or to fulfil requests for information.

Second, clause 22 also gives me concern. I can understand the need for exemptions. However, it might well serve governments better to release the kind of information referred to in clause 22 than to keep it secret, or attempt to keep it secret, only to have it leaked in a brown envelope. Unless there is a mechanism for preventing that kind of leak which is designed usually to embarrass a government, I feel that it would be in the best interests of the government to release it. So I wonder about that clause as well.

Third, clause 26 is the clause on severability. My concern with that clause is pretty much the same as with the clause requiring a deposit. I hope that regulations will be devised to prevent officials who wish to withhold certain information, which may not be of the type or kind specified in the exemptions under this bill, from severing the information requested. I know that is not the purpose of this clause. I hope the regulation will make the purpose abundantly clear and circumscribe any attempt to use clause 26 to prevent release of the information.