"information obtained or prepared for the purpose of intelligence". In this case, the purpose of the gathering becomes the standard, not the content of what is gathered. That means that if there is information which would normally be harmless to release on its basis, merit or content, that information by this law could be withheld because of the purpose for which it was gathered. The content is put aside. The purpose of the gathering is what is at issue here. That casts a very broad net underneath which a great deal can be concealed. We will want to know why the net has been cast so broadly in this case.

Further, it states that intelligence information will be withheld if it is "used by the Government of Canada in the process"—and I underline that—"of deliberation and consultation or in the conduct of international affairs". The bill we introduced stated that non-release was justifiable if "the release . . . would interfere with the formation of policy of the Government of Canada"; but now interference need no longer be demonstrated. The only standard is that the process of deliberation and consultation be affected. Here again there is a significant widening of limitation and of the scope of secrecy available to the government in keeping information from the public. That speaks of international and defence matters.

● (1550)

Let me come to the old *bête noire* of the government, the question of federal-provincial relations where its paranoia most often expresses itself most vigorously. Bill C-15, the bill we introduced, proposed to retain any record the disclosure of which "could reasonably be expected to affect adversely federal-provincial relations". What we have here now is new language which says that information will be withheld, and will include "information on . . . consultations or deliberations" and then, most interestingly, "information on . . . strategy or tactics adopted . . . by the Government of Canada". That is to say, when the government next dreams up an advertising campaign to have geese flying across the country trying to persuade us to bring our constitution home in an unacceptable way, when it dreams up some new program of manipulation of public opinion trying to achieve in a devious or indirect way what it cannot achieve directly with the provinces, that information will be held secret from the people of Canada. It is not a question of substance that would harm substantively federal-provincial relations; what this government is trying to do, this government which has made such a horrendous failure of its federal-provincial relations, is keep secret from the people of Canada the tactics and strategy used by the Government of Canada in dealing with what it should regard as its partners in the Canadian confederation.

Indeed, that language might even make it possible for the government to refuse to release polls which were the basis upon which it developed its strategy or its tactics for approaching some subject that is the subject of federal-provincial negotiations.

Again, in economic matters, there has been a significant broadening of the language which, in light of the time limitation on this debate, I do not have the opportunity to go into at great length. But the cabinet documents provision is of some interest. It is a very sweeping provision. The result of this provision would seem to be that the public would be denied the right to see any memorandum which may ultimately be destined for cabinet—any memorandum, any piece of paper at all that may ultimately be destined for cabinet.

The proposed law that we brought in specified that secrecy would apply only to "documents submitted or prepared for submission . . . by a minister of the Crown", and other documents that were directly relevant to a cabinet proceeding.

The new clause of this Liberal bill includes discussion papers with "background explanations, analysis of problems or policy options to counsel", and it includes "records used to brief ministers in relation to matters that are before, or are proposed to be brought before", the Privy Council which are the subject of consultations between ministers.

While the previous clause 21 of Bill C-15 clearly restricted that exclusion to genuine cabinet documents, this new version allows for the possibility of labelling literally any document at all a draft for the cabinet or a memorandum to a minister, and by so labelling, by putting on it the words "for the information of the minister", the most innocent piece of paper will be kept secret from the people of Canada. That is a very large loophole, a very large cover under which things can be kept secret, and that is one provision the minister will have to defend very seriously when the matter gets to the committee. We believe it makes a total mockery of any system of freedom of information in this country simply to put a stamp on a piece of paper saying it will ultimately be considered by the cabinet, and in that way keep that information from the people of Canada whose taxes keep the government in business.

The minister spoke about judicial review. I want to make the point, because he glided over it, that in the case of these exempted categories new limits are placed upon judicial review. He used the phrase that "on matters outside the limitations, the Federal Court of Canada would be authorized to undertake to take a *de novo* review in every case", and that was the proposed Conservative law. In this bill that flexibility of the Federal Court of Canada is limited. It cannot undertake that kind of wide review within the four restricted categories. As I have indicated, those four restricted categories involve language so broad as to cover a great range of information of the Government of Canada. The court can order the release of a record only if it determines that the head of an institution "did not have reasonable grounds" on which to refuse to disclose the record. In other words, what can happen is that the court could look at a matter—and the minister has said it will be able to look at all the documents—and find that it should be released. But it also could find that the government had a reasonable reason to hide it and, therefore, even though it should be released the court would be prevented by this language from ordering its release. That is a very severe restriction placed upon the Federal Court and a very real limitation of the principle of judicial review which is held to be important by very many of us who take seriously the principle of freedom of information in this country.