

I made mention of Mr. Bernard Maguire, as did my hon. friend for Kingston and the Islands (Miss MacDonald). I think I should pay a little attention to that case. Some months ago in a committee of this House we dealt with human rights legislation, which was good legislation. Part IV of that bill provided for, allegedly, the right of individuals to have access to their own files. The Minister of Justice (Mr. Basford) with eloquence and skill both here and in the committee said, "This is a great thing; at long last people who want to look at their own files have the right to do so and to correct them if the information is wrong".

What has happened in the case of Maguire? It is a typical illustration of the failure of this government to bring to fruition the promises which were made at the time this legislation was introduced. Mr. Maguire was dismissed three years ago and told after he challenged it that it was for security reasons. His union took all the grievance procedures it could, but they were rejected. He was told through the grievance procedures to go to the courts, whereupon he went to the supreme court trial division and then to appeal but got nowhere.

Suddenly, at long last, there appeared on the scene part IV of the Human Rights Act. Mr. Maguire went through the offices of a former colleague of ours, the chief commissioner, Mr. Gordon Fairweather, who is doing an excellent job, and secured what he thought would be the right to examine his own file under section 52 of the act. At the time he had to sign a document, a copy of which I have here, which says that he reviewed his personal file, including folio so and so and initialled each folio accordingly, and then says, "I recognize that folios"—and there are eight numbered folios—"are classified and that the contents are not to be divulged to third parties." Then he signed that. He could not go there with counsel or with an adviser, only with a security official who is a sub-official of Mr. Jenkins, an employee from supply and services connected with the Treu case. Mr. Maguire found in those folios what he considered to be certain proof that he was not a security risk and that the job from which he had been dismissed did not require security clearance in the first place. So he had been lied to about that.

What does he do now under this famous right of access to one's file? He has no opportunity to try and redeem himself or to repair his good name. He can make no attempt to recover the loss he sustained and is condemned to go through life with this blot on his name.

● (2102)

The Secretary of State (Mr. Roberts) has not committed himself definitely but I judge from what he said that the government leans heavily toward the idea that if there is a freedom of information law, it will not provide for an appeal to an independent judicial tribunal. Exactly the same reasoning was advanced when the human rights legislation was debated in the House and in committee. We were told that we had good, kind, intelligent, honest ministers who would give out information and that appeals could be made to a privacy commissioner. The commissioner had no power to compel the

ministers to produce documents, however, and there were too many exemptions in the privacy provision of the human rights legislation. If we have a freedom of information act without a firm declaration of ultimate appeal to the courts, the situation will be exactly the same.

I see, Mr. Speaker, that I have only a few minutes left but I wanted to make a suggestion. Some time ago a task force was established to inquire into government services. In the summing up in volume 1 of its report there appears the following recommendations:

The right of Canadians to full, objective and timely information and the obligation of the State to provide such information about its programs and policies be publicly declared and stand as the foundation for the development of new government policies in this field. This right and obligation might be comprehended within a new constitution in the context of freedom of expression.

As we proceed in the next weeks and months to a consideration of the new constitution and the bill of rights which is to be embedded in it, I suggest that we should examine this recommendation very carefully. Most international charters on human rights contain a provision for freedom of speech and freedom to receive and impart information. I should like to think that there would be embedded in our constitution—with the bill of rights which I hope will emerge in due course—a declaration that the people of Canada have a right to be informed on what their government is doing, much like the Swedish right of information.

I am not alone in that view, Mr. Speaker. On February 10, 1970, when the Prime Minister tabled the theme of the Information Canada program which he obtained from the task force report, he made the following statement which is reported at page 3405 of *Hansard* for that day:

The task force made 17 major recommendations. We accept those recommendations in principle, with two exceptions. Recommendation number five proposed the establishment of a citizens advisory bureau and neighbourhood councils. The government is sympathetic toward this proposal but feels it warrants further study. Recommendation number ten suggested that a government agency undertake a role as public advocate which we feel more properly belongs to parliament.

I will pass up the opportunity to comment on the last phrase, Mr. Speaker. In that statement, as I understand it, the Prime Minister accepted implicitly the recommendation of the task force that a provision for freedom of expression should be written into the new constitution. I lay this before the House at this time and hope that it will be implemented.

In concluding, Mr. Speaker, I hope that some hon. members opposite will be persuaded to vote for this motion. No government will fall on issues of this kind. It is not likely that enough members opposite will vote for the motion for the government to be defeated, but if any of them honestly feel, as I know some do, that there is a need for a right to know, that right ought to be hedged by adequate protection. If they feel this way, let them say so with their vote and let the people of Canada know that there are members on both sides of the House who believe in this principle and its protection.