

Access to Information

traditional review into operation, the concept will not be as fully utilized as it would have been under Bill C-15. We will want to look at this in committee.

There has been talk about the exemptions. I shall not bother with the specific aspects of some of them because in the 20-minute time limit that we have imposed there is not time to do so. Whatever has been accomplished by inserting the concept of judicial review has been limited, narrowed and diminished as a result of the broadening of the exemptions in the bill. When we examine the bill clause by clause I think we shall have to review that aspect very carefully.

This becomes more worrisome when considered in conjunction with clause 51 of the bill. In Bill C-15 the court was required to rule whether the government was entitled to refuse to disclose a record. That was a straightforward direction and it is retained in Bill C-43 for the less important exemptions. But if the grounds for refusing disclosures are related to federal-provincial affairs, international affairs, defence, special investigative bodies relating to law enforcement or the financial interests of Canada, the judge must be satisfied not only with respect to that test but must be satisfied that the refusal to release was done not on reasonable grounds. In other words, not only have the exemption categories been greatly enlarged; the question before the court is not only whether they apply but whether it is reasonable to think that they might apply. I think this is the best example of the broadening of those exemptions and it is the only example I want to deal with now because of the time limitation. Committee members will find as they go through each of those exemptions that there are words that fudge, make woolly or make vague the specific aspects of exemptions.

Whether we sit to the right of Mr. Speaker or to the left of Mr. Speaker, if we honestly believe in the principle that everything is "releaseable" except that which is specifically exempted, then I think the work of the committee will have to concentrate on those exemptions and attempt to remove the woolliness. This is necessary so that what the Solicitor General wanted to say about the exemptions will come true; that if there is a refusal, the case before the information commissioner and, ultimately, the court will be clear, and there will not be the necessity for the so-called Philadelphia lawyer to advise a suppliant for information from a government or a department as to exactly what those words mean. Some people call them "weasel words". That is a vulgar expression but for the moment I will adopt it. If I may say so, I think in using that kind of word the Secretary of State has perhaps succumbed to the blandishments of certain people in the public service. He knows who they are because he has to deal with them, as I did.

In any event, Mr. Speaker, that is the issue. I do not suggest that those who make such blandishments act in bad faith. Indeed, I believe they act in good faith. But I believe the minister has succumbed, perhaps aided and abetted by the fact that there has not traditionally been within the Liberal party that desire for openness that I found when I took the matter to my cabinet colleagues.

I have just one final matter to raise, Mr. Speaker, because we will be dealing with all of this at length in committee, and that is with respect to the parliamentary committee. The requirement is dropped that within three years of the coming into force of the act a committee of the House must undertake a comprehensive review of the act and produce a report. Oddly enough, section 72 requires the committee to conduct a permanent review of the act and 25(2) requires the committee to review all acts except Bill C-43 within three years. I do not know why that occurred but there may be an explanation for it.

The cumulative effect is that the freedom of information committee will have a continuing reference but instead of a stipulation that the entire scheme be reviewed, only other acts must be reviewed within that short period. At the same time all government institutions will produce yearly reports on the act. I am worried that the effect and intent could be to put the committee in the position of reacting to a yearly barrage of criticism on the operation of the act from inside the public service.

It is in that sense that I want to have the parliamentary committee aspect reviewed. I am happy that the government has taken steps to include it; it was a step in our Bill C-15. I worry about the reason for the change. In the drafting of Bill C-15 I wanted to have that parliamentary committee not only as the place of criticism of the operation of freedom of information, but of the way in which the whole program could be reviewed by its proponents and supporters, not just its detractors. I am concerned that may not happen.

● (1650)

I look forward to working with the Secretary of State, his officials and other members of this House of Commons who will be dealing with this statute. I hope the work will be comprehensive and that the committee will allow the broadest number of witnesses to come.

Tribute has been paid to Access. There have been other organizations as well which deserve credit. When we were involved in the preparation of legislation as a government, I suppose, like everything else, all of us wanted to see our bill improved by the next. That is the attitude with which I approach the work and I look forward to the end of the day when this bill will be referred to the appropriate standing committee of the House.

Mr. Fox: Mr. Speaker, I rise on a point of order. The hon. member for Nepean-Carleton (Mr. Baker) mentioned that the bill would be referred to a committee at the end of the day which brings to mind that I discussed the matter with the House leader of the official opposition and with the hon. member for Burnaby (Mr. Robinson) who is representing the New Democratic Party on this issue. There is unanimous agreement to make a request that the bill be referred not to the Standing Committee on Communications and Culture but rather to the Standing Committee on Justice and Legal Affairs.