

Freedom of Information

Mr. Robertson drew certain conclusions in that speech which, after listening to some of the comments from the spokesman of the government side, have a familiar ring to them. I would say that Mr. Robertson is not exactly enthusiastic about freedom of information legislation. For instance, he said:

I submit that much of the popular interest in freedom of information is directed by curiosity about the internal processes of government that does not have much purpose behind it except curiosity.

I suspect that this is a belief that is firmly held by some, if not many, senior public servants at the present time. I can understand the point of view, but the difficulty is that this idea has by some process of osmosis been transmitted to government ministers and to the government itself. I am concerned about this because we are veering away—I think that this has been generally conceded by most members of parliament—from the opportunity to speak out and discuss a matter without the constraint of the whip on the government side. This sort of position is acceptable to the majority in the House of Commons, and this is why I say there should be a process of independent review.

Mr. Robertson also said that the demand of the public for more information about the processes which govern them would be simply a waste of money. He went on to say:

I am sceptical of whether their satisfaction (demand for information) ought to be financed to any large degree by the public or ought to be given priority over other requirements for the energies of ministers of public servants.

It is my firm submission, Mr. Speaker, that the great balance of any expenditure the government may incur with respect to freedom of information will be less than the phenomenal amount of waste that goes on in government spending. A greater access to the workings of government would shine the light of day on some of the more glaring aspects of waste, and the cost of freedom of information in relative terms would be insignificant. The prospect of looking in and finding out precisely what is going on in the government, either by members of the opposition or the public, would have a very therapeutic effect on government operation and the administration generally.

Mr. Robertson put forth the proposition that confidentiality is needed to protect the public service, which he described as:

—the preservation of a non-partisan professional public service—

There has been a rather curious development in the short time that I have been here in so far as confidentiality and faceless public servants are concerned, and that is that ministers themselves, in attempting to avoid responsibility which they would have traditionally accepted, are more and more resorting to the tactic of blaming the public servant for any mistakes that may occur. The Hon. Mitchell Sharp has recently been quoted as saying something to the effect that in this day and age public servants should more and more bear the responsibility for their actions as opposed to the traditional concept of ministerial responsibility.

Mr. Pinard: You are blaming Mr. Robertson. What are you doing?

Mr. Hnatyshyn: I am not blaming Mr. Robertson, because I think he has his own point of view. I am suggesting that it is a point of view which is now being accepted by members on the government side. I suggest, with all deference to Mr. Robertson, that he is mistaken in his own conclusions, as the government would be mistaken if they were to accept the attitudes enunciated by him. I have every respect for Mr. Robertson, but I think he is wrong on this issue, and I do not want to see the government take up the cudgels on his theory because that would be a mistake. I say to the members on the government side that they are going to back themselves into a corner if they are going to make freedom of information a partisan issue.

Mr. Robertson also said that to preserve ministerial responsibility there should be no mandatory powers either of the courts or a freedom of information commissioner to demand and secure a document. He went on to say:

I would also like to suggest that to have the final decision taken by any agency other than the responsible minister when a document relates to decision making or to the integrity of the state will be destructive to the clear identification of executive responsibility which is one of the best features of our parliamentary system of government.

● (1752)

There is a ring of truth in what Mr. Robertson has concluded and in what has been said by members on the government side. If we shy away from the independent review of applications we will have second rate, unsatisfactory legislation. The arguments put forward today indicate why there has been something less than wholehearted enthusiasm on the part of this government to bring forward this legislation, notwithstanding the protestations of the Secretary of State and other spokesmen.

The hon. member for Peace River (Mr. Baldwin) has presented legislation for consideration. The topic has been studied to death—it has been before the House for 13 years. Since I have been here I have been involved in a study of the whole proposition through the Joint Committee of the Senate and House of Commons on Regulations and other Statutory Instruments and in other ways.

To see how this government operates on this matter gives me a new appreciation of the word "eternity". I do not think they are anxious to go ahead with this matter. I do not know that we can wait for the government to bring in effective legislation. The Secretary of State quoted two dissenting briefs that were presented to the joint committee on the question of an independent review of applications for documents under freedom of information legislation. He omitted to say that every one else who came before the committee, including the vast majority of members of parliament, supported the proposition as being fair and reasonable and did not regard it as an intrusion.

Freedom of information legislation has been introduced in Australia and some hon. members referred to the position taken by Sweden and the United States. I think the problem is the serious and deep division within cabinet on the question of