

Access to Information

Vietnam that many of them developed various illnesses because they handled Agent Orange. Also we know that Canadian personnel were involved. If any of the Canadian personnel—and I hope none will—develop an illness because of handling Agent Orange, it is important that they know exactly what they were handling. They should be in positions where they can make claims to the Department of Veterans Affairs or the government to receive disability pensions. It is important to the Canadian personnel involved that this information be made public. Then they could make claims to the government for their illnesses, if they can show that they were caused by handling Agent Orange.

● (2050)

I have dealt with many veterans in my constituency who have tried to make claims. It is a very tedious and difficult process. They are required to go through too many loops to make their points. If the government is conducting various secret tests in which personnel are being used as guinea pigs, and if it is not making that information known because it may interfere in its relations with another country, it is not to the benefit of the servicemen. If the information is made public, of course, it is of benefit to them. We will continue to try to make such information as public as possible.

I am concerned about many clauses in the proposed legislation. For example, clause 15 deals with international affairs and refers to "any state allied or associated with Canada". What does "associated" mean? The government could refuse to make public any information that might disturb its relations with an associated state. For example, there is an arms embargo against South Africa. A certain corporation might try to manoeuvre around this embargo and might be interested in obtaining certain information concerning importing and exporting arms permits. They may apply to the government for copies of such permits, and the government may say, "No, you cannot have those because under this section it disturbs our relations with South Africa". I do not think that would be right. If it occurred, surely it would destroy the spirit of freedom of information.

Also I think of other entities such as the Crown corporations which will be exempt. The records of any corporation in the public domain which uses public funds or deals with public lands should be open. For example, under this particular exemption, an environmental impact study by Dome Petroleum of proposed drillings in the north could be considered ineligible for public disclosure. Surely this study would have such an effect upon the public domain, public lands and the future that it should be open to public perusal. The public should be allowed to look at such an environmental impact study because its land and future are at stake.

If we expect our citizens to make wise decisions, this type of information should be made available to them. I could look at some of the regulations concerning the information commissioner, who is supposed to be an ombudsman but is compelled to hold his proceedings in private. Further on in the bill it is indicated that the court can hold its hearings in camera. This

leaves the court open to a charge that secret laws are bad laws. It will be difficult to know what is reasonable and what is not, without public precedent.

The bill makes reference to reasonable disclosure, but that is a matter which will have to be defined in the courts. If the court hearings are held in camera, we will be faced with the ultimate irony, that is, that the best kept secret will be how the proposed access to information act works. It will be a double contradiction. No one will be able to figure out how the act works because the proceedings will be conducted in secret. It is ultimate lunacy.

In the end the importance will be the practice and desire of the government, its commitment in terms of philosophy, its commitment to public access and its commitment to the principle that in a free and democratic society and in a society of rapid technological change information is essential.

The spirit in which these commitments are applied is essential. It is the philosophy of those who are applying it which will ultimately determine how well we as a society will survive and function in the years ahead.

Some hon. Members: Hear, hear!

Hon. Jim Fleming (Minister of State (Multiculturalism)): Mr. Speaker, I am pleased to participate this evening in the debate on the access to information and privacy legislation proposed by this government. I say that for two reasons, which I suppose are evident to anyone who knows a little bit about my adult working life. First, I spent more than a decade as a journalist and now almost ten years as a member of Parliament and until recently sat on the back benches. If I have learned nothing else over that time and my time as a journalist, it is that nothing is more important to this massive and diverse country than to have Canadians better understand why governments reach decisions and what the base of debate in the House of Commons means to them.

The Secretary of State and Minister of Communications (Mr. Fox) emphasized that the adoption of this legislation means certain important principles will become part of the legal fabric of Canada. One of these basic principles is that Canadians will have access, as a matter of rights, to all information held by the government, except where specific exemptions apply. When the Secretary of State led off the debate this afternoon, he made it clear that he looks forward in committee to members on all sides of the House reviewing the exemptions in the bill.

Another principle is that the burden of proof will be on the government to justify the withholding of information. It will not be for the politicians but for the courts to adjudicate, with power to order the release of information which has been wrongly withheld.

There is obvious significance in enshrining these principles in law with provisions to ensure that Canadians will be readily able to exercise the legal rights under it. This bill is the culmination of efforts that have been under way for many years. It represents a significant advance in the application of demo-