

distrust its own ministers with information that is outside their specific responsibility.

This is not at all a narrow legal question we are dealing with here. What we are talking about is power—political power. We are talking about the reality that real power is limited to those who have the facts. In a democracy that power and that information should be shared broadly. In Canada today they are not, and to that degree we are no longer a democracy in any sensible sense of that word. There is excessive power concentrated in the hands of those who hide public information from the people and the Parliament of Canada.

Sir, I said earlier, that I suspect that much of this secrecy is rooted and based in habit and not in malice. Some in this House would not be that charitable, but I think we all recognize that—particularly with the perpetuation of one party in office for so long—a practice has grown up among some ministers and their advisers of protecting themselves against the inconvenience of scrutiny by denying access to information. The purpose of this debate is to bring focus to the wide concern in the country about this practice which can destroy democracy, and to serve notice on the government that, if it continues to ignore demands for free information, then the excuse that it is a matter of habit will be completely gone and the governing party and all its members will be revealed as deliberately denying the people of Canada the right to know what their government is doing.

Later I want to cite some of the abuses of secrecy which exist today. Before doing that I want to draw attention to the attitude which is at the root of our problem. I think that attitude is revealed in the title of the green paper on freedom of information brought down by the Secretary of State (Mr. Roberts). The title is "Legislation on Public Access to Government Documents". The distinction between "government documents" and "public access" indicates a belief that the government is somehow separate from the public. Sir, it is not. The government comes from the public, and it owes its loyalty and legitimacy to the public and the people of this country.

Some hon. Members: Hear, hear!

Mr. Clark: I find the idea that government is separate from the people, that it is somehow superior to the people, to be reprehensible in a democracy. Yet the government's document is infused with that idea. These matters that we want to have brought into the bright light of day are not government documents; these are public documents, paid for by public taxes, and legitimate only if they serve the public good. They should not be hidden from the public they are supposed to serve. This idea that the government and the people are adversaries should be rejected as simply paternalistic nonsense.

Let me deal with some of the abuses and make a short list of them, Mr. Speaker.

Residents of Port Hope, in the riding of my colleague from Northumberland Durham, became concerned about the potential health hazard from radiation poisoning. That radiation poisoning came from a refinery of Eldorado Nuclear, a Crown corporation. The government conducted studies and said that

everything was fine, but refused to release any reports on the grounds that those reports contained classified information.

The Foreign Investment Review Agency carries out screening of takeovers. Yet its deliberations, which are of vital concern to the economic health of this nation, are carried out in secret. No information is ever made public other than whether an application has been approved or turned down.

Not long ago in this House the Postmaster General (Mr. Lamontagne) refused to make public to parliament, or to the people of Canada, a consultant's study on the Post Office, this at a time when there is deep concern throughout the country about the failure of the government to be able to deliver mail, and deep interest in knowing what went wrong and what might be changed. There was no justification for the minister's refusal to release this public document, particularly since it was already in the possession of a newspaper and had been the subject of two articles in that newspaper.

There is the case of Bernard Maguire who has been trying for more than three years to find the reasons for his being fired from his job with Canadian National Telecommunications in the Yukon. Mr. Maguire was allowed to see some personnel files in an effort to determine the unspecified security reasons for his dismissal. But he cannot divulge what he saw, to anybody.

Anyone else, anyone in this House could find and read into the record of parliament a list of other instances where individual interests and the public right to know have been limited or qualified by this government's insistence on secrecy.

Shortly after I came to this House I remember going to a public servant to try to get information on a matter of real concern to my constituency. He refused to give me the document saying there was no reason that I should not have it and that there was nothing in it, certainly nothing particularly serious, but that it was stamped "confidential". For this reason he was bound not to give it to me. I was merely a member of the House of Commons of Canada, merely an elected representative of the people whose lives were affected by this government. As I was going out the door he said, "Around here, we stamp 'confidential' on toilet paper." That is, unfortunately, an accurate indication of the abuses to which this practice has led. It will only be corrected in a useful way by legislation which ensures the principles of freedom of information such as I intend to elaborate upon now.

• (1542)

We believe that the essential elements of any law of that kind are the following: first, a worth-while, workable, effective freedom of information law must assert in clear and unequivocal terms that Canadians have a right to access of information held on their behalf by their government, and the government in turn has an obligation to respect and respond to that citizens' right.

Second, any exceptions to that norm should be limited exceptions and should be specific exceptions, and the burden of proof to establish that an exception is warranted should rest with the government and not with the citizen. We accept, sir,