

*Freedom of Information*

by the President of the Privy Council (Mr. Baker) a couple of weeks ago, I was quoted as saying that it was really Jed's day. That is true. I might say, as one who is sitting in the last seat in the House of Commons and looking across at a man who is twice my age, that it is really an inspiration for me to see the hon. member for Peace River—

**An hon. Member:** He is only 40.

**Mr. Waddell:**—a man with four times my experience, and the hon. member for Winnipeg North Centre (Mr. Knowles) who is in front of me, both of whom are an inspiration to a young member of Parliament, and to know that maybe something can really be done in the House for one's country.

**Some hon. Members:** Hear, hear!

**Mr. Waddell:** However, I am not going to be so charitable to the government.

**Some hon. Members:** Oh, oh!

**Mr. Waddell:** You see, I am learning already. One wag was quoted as saying recently that a Conservative government should have the strongest vested interest in freedom of information and parliamentary reform because, historically, they are not in power for very long. But instead, tonight I hope to give a small Christmas present to my friend, the President of the Privy Council, and I will ask the page to take over that present. It signifies what I think of the bill before us. First, I am sending over a rose because I think it is basically a good bill. It is long overdue—we have waited, for 16 years of Liberal government, and we never got anything—and I congratulate the minister on the bill. However, together with the rose I will send over to the minister a small dump-truck because, if he will look closely at the exemptions, he will see that one can drive a truck through some of them.

**Some hon. Members:** Hear, hear!

**Mr. Waddell:** I want to quote to the President of the Privy Council some words of his leader who spoke in the House of Commons on Wednesday, June 28, 1978. The then leader of the opposition said that there were some criteria in the freedom of information act that he saw must be, in his words, "clear and unequivocal". He is not usually that way, but this is what he said should be in the bill. He said, first, that Canadians have a right to access of information, and the government in turn has an obligation to respect and respond to that citizens' right. Second, he said that any exemptions should be limited and specific, and the burden of proof that an exemption is warranted should rest upon the government and not the citizen. To quote the Prime Minister (Mr. Clark) he said:

The law should set forth these exemptions clearly and specifically in limited language and will not be subject or capable of being interpreted in a way that will hide that which should be public.

The third criterion he gave was that there has to be a procedure to resolve disputes over an exemption, an accessible procedure and, to quote him:

[Mr. Waddell.]

—it has to be a procedure in which the final decision rests with the body or a person completely independent of the government that would want to hide the information.

Later he said in a speech:

Any law not based on these principles is a fraud.

I am not saying this bill is fraudulent because it is not—it is a beginning. But if you apply the exacting test of the Prime Minister, it does not quite meet that test. It seems to me that this legislation lacks the toughness, the wholehearted dedication to disclosure which exists in the Watergate-inspired amendments to the United States freedom of information act.

Before I go into the details of where I think the bill falls down, I would like to enunciate some general principles, if I may. We in the NDP, too, want to end our secret society in Canada. In our view, Canada must be the freest country in the world, bar none, and we should never rest until we achieve that objective. The President of the Privy Council has said that the public has a right to know what the government is doing with the taxpayers' money. He put the principle on that level. Let me say with respect that I think this is a rather low way of putting it.

Other people have said that an informed electorate is the truest sort of democracy. That is pretty high sounding. I want to define it a little differently, if I may. I would say that the public have a right to know and to have the information which goes into the decisions which affect their lives. Mr. Stevens of *The Globe and Mail*—that fountain of eastern wisdom—put it this way: that the public has or can obtain information to assess or judge governmental action.

As the matter stands, without freedom of information, many Canadians are disillusioned with government. Who can blame them when governments keep secrets from the people they are elected to serve? The hon. member for Kenora-Rainy River (Mr. Reid) gave an example of secrets. I can recall the time when I was up north working for the Berger inquiry in Yellowknife, asking for some material from Ottawa. I received a package which said "confidential—for your eyes only". I opened it up and found a copy of *Hansard*. It had a speech of Mitchell Sharp's in it. I do not know why anybody would want to keep that confidential.

I firmly believe that we are talking in a real way about the future of the parliamentary system and the public's confidence in that system. What I have seen so far in this system is that a minister gets up in the House and he or she says, "I have been presented with various options. I have chosen this one", and then the minister sits down. In an ideal parliamentary system it seems to me that we should know what the options were, on what basis they were made, and why the minister chose a particular option. I see the Prime Minister is in the House. I am very pleased he is here tonight because he was a real honest proponent of this legislation. I read all his speeches on it, and I congratulate him for them.

● (2100)

**Some hon. Members:** Hear, hear!