

*Statutory Instruments*

promises. In my opinion, this is not a way to manage the circulation of information.

In a way, this is the conclusion of the seventh report of the Standing Joint Committee on Regulations and other Statutory Instruments on which the House is probably unanimous today. This positive work atmosphere is thus much different from that of February 20, 1975, when, if I remember well, an agency was accused of refusing to release a staff study report. Then, we must admit, we were playing politics and everything was based on the political concept as well as the adversary system derived from the legal milieu.

Before going further, I hope I will be allowed to say clearly what many members thought after some recent elections about this adversary system in politics. Evidently it comes from the newly elected members who are not used to the legal milieu and have no legal training. This political concept applied to the distribution of government information would rather restrict as much as possible the information which could be used by members of the opposition.

While I understand the political aspect of information accessibility, I am often embarrassed, if I may say so, by the scarcity of the information made public—I do not dare add, by the minister. And I speak as a government member. Is it due to a lack of experience? I am sure the hon. member for Peace River (Mr. Baldwin) or the hon. member for Winnipeg North Centre (Mr. Knowles) would spontaneously say so, or is it perhaps a new sensitivity to the concept of politics or to forces ratio that exist in the House of Commons, since it now comprises new players—the media. I think that only the future will tell.

About this political dimension of withholding information as much as possible from the “adversary”, although not a member of the committee I read the most interesting evidence given by Professor Maxwell Cohen at the November 25 meeting of the Committee on Regulations and other Statutory Instruments. He does not hide the problem, he says non-equivocally:

● (2110)

[English]

When one thinks of power, then, one should think of it as a kind of centrepiece for the whole political process. And secrecy is within the centre of power itself. It seems to me that no political system operates without some degree of confidentiality.

[Translation]

It is clear, honest and realistic. But on the degree of information that should be standard, I continue to think that, generally, the government could give a lot more and still remain in office.

After the technical and specific statement made by the President of the Treasury Board (Mr. Chrétien), I cannot and I dare not get into the details of the titles of documents to be held confidential or to be released, but I would like to present tonight the view of an ordinary member of Parliament speaking on behalf of his constituents and anxious to support the principle of free circulation of information. Personally, I cannot understand why cabinet has not yet reversed the present rule that any document, and often any information, be regarded as confidential until further notice. It seems to me that on the contrary any document should be considered as public property,

[Miss Bégin.]

unless a decision to the contrary has been made, and the burden of proof, if I may use that phrase, lies or should then lie on the cabinet or the minister responsible. But I understand, in this regard, the distinction established by the President of the Privy Council (Mr. Sharp) about the decisions made in court. I think that the only acceptable reasons should generally be related to a code on national security, the success of industrial, commercial or other negotiations and the respect of the individual, to a code pertaining to the standards of privacy in Canada, for Canadians of course.

Until now, I have spoken without making any distinction between the government and the bureaucracy. I may have done so spontaneously, for I have yet to decide, having been on both side of the fence myself, which of the players mentioned are most guilty of withholding information the public and their elected representatives are entitled to. Who is the most guilty? The minister who does not publish a document, or the deputy minister who failed to advise him even of its existence, or again the civil servant who hid the report received from an expert—department or hired by contract—because the quality of the report would not be acceptable if the taxpayers were ever to suspect that some of the texts we have to accept are paid for with their money. I may sound as if I am joking, but I certainly am not. On the first day of my first session here, one thing struck me to which no one dares refer in public but to which we are all, I believe, subject to various degrees: fear.

All political men, and nearly all civil servants, and particularly senior officials, are afraid. If I had some books by Bernanos here, I am sure he could express better than me this dimension of human nature, which we are able to live, which I do not deny and which I should not want to deal with lightly in this House. Thus it is very realistic to ask that everyone, both hon. members and civil servants, work in a general atmosphere where there is an element of unknown and of stress associated with partisanship, which results in fear and paralyzes many private initiatives.

The proposal before us tonight asks us to approve in principle a piece of legislation concerning wider circulation of information. I am not sure that a piece of legislation will help people better understand what should be made public, or that it will not force these people to protect themselves against possible prosecution, by writing reports for publication or establishing an even more complex system of various communications which could not be published and which would be in fact the real reports. I must say I am worried by this question. A piece of legislation will try to define the criteria for the documents which should be made public. I do not think we can oppose this although I made some reservation on this.

But I do not understand why an effort is not made, well before a legislation is ready, to change by positive guidelines or urgings the atmosphere, the climate that prevails in many government offices. And, of course, this is something for each minister to do because the word is good only if it comes from the boss.

To give a concrete example, all my colleagues who worked for months on a special committee on immigration will know what I am talking about when I recall the hours of energy and efforts wasted trying to unravel the proce-