

*Access to Information*

this day I cannot understand why it occurred, given the fact that the NDP knew, as I did, that there would be a parliamentary review of the matter some time later. That should be remembered, Mr. Speaker.

Finally, Mr. Speaker, this bill means the beginning of a new era. It will challenge various parts of the Government of Canada, and first of all I should like to deal with the cabinet.

Heretofore, Conservative and Liberal cabinets have grown out of the British parliamentary system. There is no more secretive place than the Parliament at Westminster and its traditions, which we have adopted as our own. It is still that way. I gather that there will be impetus for change in the law in the United Kingdom as a result of what happens here. People from the United Kingdom have written to me and talked to me about the process of this bill and a consensus seems to be developing—

**The Acting Speaker (Mr. Ethier):** Order, please. I regret to interrupt the hon. member but his time has expired. He may continue if there is unanimous consent.

**Some hon. Members:** Agreed.

**Mr. Baker (Nepean-Carleton):** Mr. Speaker, I want to thank my hon. friends for allowing me time to finish my remarks.

There is a history of secretiveness and closeness in the British parliamentary system and we have adopted it. Ministers will have to realize that for the first time in a broad area of information which comes under their control, the public will be entitled to know the facts. I hope an attitude will develop like that which exists in Sweden which has had freedom of information for 200 years. Unless the answer to a request would harm the state, the information is available. It is important that that occur at the political level.

● (1600)

I suspect it is going to take some time, but it is important that it begin because the most important change is going to be in the day-to-day work of the Public Service of Canada. They have been operating under some doubt as to where or how far they can go, and I hope the working groups in each of the departments, and the government itself, are considering the kind of message which will go to the public service. Just as it will take ministers time to get used to it, so will it take the public service a great deal of time to get used to it.

I suspect that we are likely to see some rather startling cases arising out of refusals to give information. It is because of this fear and worry that there must be in the minds of public servants looking ahead to legislation that there is a part which will protect them in the event they give out information inadvertently in good faith. There must be an educational process because the penalties are going to be quite severe. There will be the possibility of being part of a court action. There is certainly going to be the possibility of being part of an examination by a special commissioner who is now an ombudsman. There will be the possibility of an annual report to Parliament by the commissioner.

As I said earlier, a legislative page will be turned when this bill finally receives royal assent and is proclaimed. I understand from the minister that will take place in approximately six months. We talked about this for years and it had to begin somewhere.

I would like today to have been in the position of the minister to be finishing a bill on third reading. I wish the bill was C-15 and this could be transported back a year and a half. I congratulate him on being the minister bringing it in. I know he feels badly that his colleagues were afraid to do the decent thing and allow him to have Section 21 and the matters that followed stay in the bill. I know it must be a matter of personal regret for a lawyer, as the minister is, to say that we trust the courts with our Constitution, with arbitrations, we trust them to deal with public matters of all kinds, yet we will not trust them to use their heads as to what should be released and what cannot be released. Under this bill we trust them with vital matters of defence and national security, and documents relating to external affairs, but we do not trust them with our cabinet documents. I am sure it must be a matter of regret for the minister to say that everyone is subject to judicial review except that group of 30 ministers. Even though the minister cannot say it—he looked embarrassed in committee when he had to give the reasons, and I sympathize with him because I would be embarrassed too—I am sure that in his heart of hearts one of the first priorities will be to open that legislation and get back to the position he himself put in Section 21 of the original Bill C-43, and he will silently say: “Hear, hear, good for this new Conservative government which is going to do this and I wish I could have joined them in 1982”.

This bill, Mr. Speaker, is a new beginning, but just a beginning. All of us are going to have to adjust to it. I believe this bill is absolutely vital with respect to parliamentary reform. The fact that it comes so close to the day that the committee dealing with parliamentary reform was established heightens and accentuates the relationship of parliamentary reform to openness.

We in this House are going to have to find ways to handle the tremendous deluge of information which is going to come to us. There will have to be adjustments in government, the public service and in Parliament. So, Mr. Speaker, I want you and members of the House to know that, as much as we regret the form of the bill—and we have proposed some amendments at report stage to clean it up a little bit, which I hope will be acceptable to the government—in the end we want to see the bill go on as a beginning and we pledge to improve it at the first opportunity.

**Mr. Svend J. Robinson (Burnaby):** Mr. Speaker, I rise on what certainly must be considered an historical occasion, the third reading of Bill C-43, the long-overdue legislation respecting access to information and protection of privacy. The two previous speakers have given us something of the history of the legislation. As we know, the original impetus for this bill came from the U.S. freedom of information legislation passed in