

the joint committee is not entirely terminated and I would still like to have further counsel. It is true, as the hon. member knows, that we are in the very process of drafting legislation to be presented to the House in the next session, but it is not too late for useful comment and advice to be received from the committee, from the hon. member, and from people who have written to him. I am sure he will give me the undertaking to communicate to me those views which he has most recently received.

The joint committee reported to parliament again in June. As I promised to the committee when I appeared before it, I sought and I received the agreement of my cabinet colleagues to begin drafting legislation on public access to government documents. That work is well under way, and I am committed to coming before the House in the coming session of parliament with legislation which would enshrine a more open government, greater access to government files, and freedom of information.

In his interjection the hon. member said that if I would simply support his motion, he need not give a speech—at least I think that is what he said. That brings me to the second reason why I cannot accept his motion, the first one being my selfish wish not to deny myself the pleasure of hearing him speak. The second reason is that I think the endorsement of the committee report would present some difficulties.

There are two reasons why I would counsel members of the House not to accept too quickly the recommendations of the joint committee. The first is that I believe in many areas the committee's recommendations are not sufficiently rigorous and that they do not impose a sufficiently strong obligation upon the government. I am referring particularly to the drafting of the list of exemptions. The committee agreed that there would be a necessity for having some areas, however rigorously defined, in which documents would not automatically be available to the public.

I think that all members of the House, although there might be one or two exceptions, would accept the principle that there are some areas, no matter how limited, in which there must be exemptions to the general principle, which the government certainly affirms and endorses, that information should be available to the public. So the question is how those limitations are to be drafted? How are the exemptions to the general principle of open access to be described? Obviously the narrower those exemptions are drafted, the greater will be the access to public documents.

One of my concerns is that if we were to adopt holus-bolus the wording that has been suggested to us by the committee, then the exemptions to the general principle of freedom of information would be too large and would exclude much which need not be kept from the public and which should be in the public domain. I believe that we on the government side will be able to present to the House a series of exemptions which are narrower in scope than those presented by the joint parliamentary committee and thus would better meet the objective, which is my objective and that of the hon. member for Peace River (Mr. Baldwin), of having a narrowly confined area of

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limitation to the principle of openness in government. Of course, this may well be the subject of debate and it may be that the hon. member might feel we have not succeeded in that task, but I believe we will be able to present to the House a series of limitations which would be more effective in doing what the hon. member and I wish to do than are the exemptions listed in the joint committee's report. That is one reason why I would counsel my colleagues not to accept the hon. member's motion.

The second reason why I would resist such a step and urge hon. members not to take it is the whole question of referring appeals to the courts. I have a genuine concern regarding one of the comments which the hon. member made because it may be that I misunderstood him. Or perhaps he has misunderstood the committee's report and I would welcome hearing from him, if not now then later, on whether I have somehow misinterpreted the committee's report. The hon. member discussed the possibility of appeals from decision of the information commissioner to the court system. I believe he has suggested or implied that there would be a simple appeal to the federal court and that that would terminate the matter.

May I quote a paragraph from the committee report on page 7? It reads:

Your committee also recommends that a decision of a trial judge of the federal court be appealable to the federal court of appeal and with leave to the Supreme Court of Canada. Your committee suggests that costs shall ordinarily follow the event unless the court otherwise directs.

It appears to me that the committee's recommendation was not that there be a simple and direct appeal to the federal court from a decision of the information commissioner, but there should be a possibility of an appeal to the court which would itself be appealable, not once but a second time. Therefore the whole structure of the appeal process to the court system could be invoked. It did not seem to me to be quite what he was saying earlier in the House. Perhaps there is misunderstanding on my part or perhaps I have misinterpreted the hon. member's wording, but it seemed to me that in his remarks, unintentionally of course, he distorted the recommendation of the committee.

**Mr. Baldwin:** Mr. Speaker, I rise on a point of order. The minister has indicated, quite properly, what the committee stated. My intention was to advise the House of the fact that there was an appeal which initiated the usual process by coming into the federal court, and from the federal court, if necessary, into the further stage. The minister is right in his assumption and what I intended to say was that what the committee recommended was what had my approval, and it was with that I was dealing.

**Mr. Roberts:** I thank the hon. member for his clarification because otherwise there might have been an unintentional misunderstanding. I singled out the point, not to quibble with it but because I think it is of some importance. The concern which I have always expressed before the committee and before members of the House has been that the use of the court process as a review procedure would be cumbersome and expensive. Obviously if the use of the courts involves a system