

*Freedom of Information*

public, it is axiomatic that from time to time information will be withheld, not on the ground that it is confidential, that it affects national unity, national defence, the involvement of the criminal law, personal business affairs or a whole host of exemptions which have been talked about, but simply on the ground that what may be released may embarrass, upset, tend to politicize the public service or a whole host of reasons.

I suggest that in a free society with the healthy scepticism which ought to be the hallmark of a free society all those things are irrelevant to the question whether that information should be released. It is against this whole tradition of closet politics and closet bureaucratic operations that this resolution, the work of the committee and, I hope, the vote of this House tonight will move.

Today the Leader of the Opposition took the position that this motion was not considered by the official opposition—the hon. member for Greenwood (Mr. Brewin) supported this position, and I did so yesterday in my capacity—to be a matter of confidence. In other words, what we are trying to say to the government—perhaps not articulately but, I think directly—is that what we want today out of this resolution is a buttress and support for the committee which is now drafting a report on freedom of information.

We want this parliament to act openly, notoriously and freely in terms of the party whips. We do not want hon. members to be pressured in terms of their votes. Like certain other things which go on here regarding freedom of information, we want this vote on freedom of information to be a matter of the conscience of each hon. member. We want each hon. member to decide for himself or herself whether he or she believes in this concept, and that ultimately the question of judicial review is not repugnant to the idea of open government. We stand by that, and I repeat it as House leader of the opposition.

I invite my hon. friends opposite who believe firmly in this resolution to support it. If they do, I guarantee that there will be no calls for this government to resign. Indeed, if hon. members opposite support this resolution, they will do themselves, let alone parliament and the people of the country, a great service. That was the spirit in which this resolution was advanced.

There are some who say that judicial review is a bad thing, that judges are not fit and that they do not have the knowledge necessary to deal with the complex issue of documents. The experience in this country is exactly contrary to that line of argument. We have trusted judges such as Mr. Justice Berger in dealing with the complex matters of native people and pipelines. These are things which are normally foreign to what we think judges might deal with. We have trusted judges to conduct hearings regarding labour relations. We have trusted judges to conduct royal commissions and commissions of inquiry which have nothing to do with the law, but which have much to do with complex technical questions and other matters. Judges are capable of dealing with such matters. There are some who say that courts would be plugged with freedom of information matters. That has not been the case in the

United States which, I am sorry to say, is a much more open society than ours.

I ask my hon. friends who may be considering voting for this resolution to look at the word “ultimate” which appears in it. The resolution refers to “a review process with ultimate appeal to the courts”. That word “ultimate” relating to appeals was put there for a very important reason. It may very well be that the committee, and ultimately this parliament—or the government when it drafts the legislation—will establish a commissioner of information or some other office to which the great bulk of appeals could be taken, before which procedures would be summary and matters would be completed quickly and easily. It may be that only a minimum of those matters would ultimately go to the courts.

I do not see how we could sit idly by and let this moment pass without standing in our places and speaking on behalf of an open and free society, to which we give lip service on so many occasions. I invite the government to give more than lip service to this concept, to stand behind the courts as appropriate authorities and to take this step in giving not only to parliament but also to people, not the secret and confidential information which is passed from a public servant to a minister or the conversations or the memoranda which may go into the decision-making process ultimately, but all the factual documents which lead up to the suggestion of options.

I invite the government to take this step and to make available background documents which inform ministers and are used by the public service to advise ministers with respect to various options in particular matters. Why ought not those be released, especially in a day when we feel so strongly about access to courts that we fund pressure groups to take actions against governments? It would not be a much larger step to provide information with which those pressure groups and other groups in society could operate.

I congratulate the Leader of the Opposition on this motion and on the principles which are contained therein.

I also want to say that it is an honour for me to follow in debate for a few moments the hon. member for Peace River, who has become the advocate of openness in Canada and as such has brought honour to this House. He has always acted in the highest tradition of this House and the profession of which he is a member.

This can be one of two kinds of days in parliament. It can be a day upon which the government does not accept an unusual invitation by the opposition not to treat this as a matter of confidence or follows its ordinary course of suggesting that motions which come from the opposition side ought not to have any attention paid to them. Or, it can be another kind of day. It can be a very historic day when this parliament, to aid the committee which is now drafting the legislation arising out of the green paper, takes positive action and stands behind a principle which is not foreign to a parliament in a free and open society.