

*Access to Information*

Clause 68 deals with confidences of the Queen's Privy Council, whatever that means. That removed from the bill the idea of cabinet documents being judicially reviewed to see whether there is some reason—some good and valid reason from time to time—that they should not be brought forward. If we take the skin off and get down into the meat, I believe what happened was that suddenly the government was cornered. Having said that this new-found freedom of information devotion was the next best thing to sliced bread, the government moved along and developed a constituency and a momentum for freedom of information. It was finally caught between the hammer and the anvil it had devised. As a political answer it suddenly became a very real legislative possibility.

What did the government do? It said it must take Clause 21 out of the bill. Clause 21 was to provide for the protection of cabinet documents, but subject always to a legitimate review by the courts. The government said: "No, we cannot have that; all these confidences of the Queen's Privy Council must be kept secret and not even subject to the scrutiny of the courts". The government became so paranoid about this that it brought in that clause.

Among other things, the government has left open the opportunity for one of the first initiatives of the next Progressive Conservative government. The Leader of the Opposition has said that it will be one of the first priorities of a Progressive Conservative government after the next election—and I ask the House to note my words—to reopen the whole question of access to information and to go back, hopefully, to the provisions of Bill C-15 so that we can do a number of things. We want to remove Clause 68 and reinstate Clause 21, with appropriate amendments, to reflect the relevant section in Bill C-15. We want to look at each one of the exemptions to see where they can be narrowed to bring them back at least to the position of Bill C-15. We should bear in mind that under Bill C-43 perhaps there will be a short period to gain experience that we can draw on. That is a priority. The Leader of the Opposition said that during the course of the annual meeting in my riding and I was delighted that he did. In other places across the country he has said, as I have, that it will be a priority of this government when it returns to office. If the Minister of Communications is still with us then, he will have an opportunity to use the improved legislation. In some ways the legislation was better. It was different in the broadness of the exemptions.

• (1550)

Having said that Bill C-43 at report stage is not as good as it was when it went to committee, I must say that I think the bill, with all its deficiencies, ought to be supported by the House. We ought to begin a process of openness in the legislative sense. We have talked about it long enough. The bill is a beginning—though not the most perfect beginning. I could say of it as some wives say of their husbands—they are not the most perfect of husbands but they manage to live with them. I think we should say that about the bill.

We must bear two things in mind, however, Mr. Speaker. The first is the commitment I have made on behalf of my party, reiterating the commitment made by the leader of this

party with respect to change after a change of government; and, second, the important thing that was mentioned by the minister is the opportunity for parliamentary review. It is a unique thing for any legislation that by statute there will be a provision for review of the freedom of information and matters that relate to it.

The committee accepted an amendment which provides that the annual reports of committees will automatically be referred to a parliamentary committee and that is a good thing. That will allow Parliament to keep the process open.

I regret that I have to join in the statement made by the minister about the effect the delay in bringing the bills forward is going to have. The first meeting of the Standing Committee on Justice and Legal Affairs was held on March 3, 1981. Thirty-four meetings were held between that time and the time when the government bill was put on ice as a result of the government getting cold feet after consulting with other governments which also got cold feet. It was a complicated bill but there was nothing in it that could account for the delay except, perhaps, a wavering commitment with respect to freedom of information from time to time or a commitment that was not certain. We have taken the position that because of the provision for parliamentary review, the process in committee did not seem to be urgent as there would be the opportunity to deal with it later.

For some reason or other, however, the New Democratic Party decided to debate every point, cross every t and dot every i, to make things perfect. That took time. By itself it is not sinful, although it is regrettable. The by-product of delay was sinful, however. By that delay they allowed the Roy Romanos and the Roy McMurtrys of this world and other levels of government to conspire together to devise a scheme whereby the principle of freedom of information could be "unsold" to this government, which was only politically, and not intellectually, committed to freedom of information and openness in government. That is exactly what happened. They had time to muster their forces and they did. In that period of time, believe it or not, they attempted to say that it was appropriate that we deal with freedom of information in a universal bill and that all 11 governments in Canada would agree on freedom of information. I could not believe what I heard, Mr. Speaker. The Prime Minister used to say that they fought over the Constitution for 54 years for an amending process which came to nothing. As a matter of fact, the debate on the Constitution went on for 115 and more years and there was never any agreement. How could anyone possibly believe that the two levels of government could get together and agree on a universal bill? That idea fell apart.

I hope that when we review the bill again there will not be this delay. We cannot legislate perfection, especially when there is a danger of losing something that the people mentioned by the minister who have gone before us tried to bring about. We ought not to lose through delay. I do not say that to the New Democratic Party unkindly, but I think the record should be clear that that was the result of what happened. To