political affiliation, operates in secrecy, begins to develop its own secrets that could be embarrassing to it. The pressure builds day after day to withhold information on the grounds that it could be politically embarrassing to release it. That is why a new government should, as a first priority, and our government will, introduce a freedom of information act before many days have passed in a new parliament.

Even parliament finds that its hands are tied in trying to obtain information from this government. In February, 1973, the government House leader tabled in parliament 16 principles for refusing to produce papers which were requested in motions for the production of papers which were placed on the order paper by members of parliament. Nos. 4 and 14 are so broad as to allow the government to refuse to give parliament virtually any bit of information that it does not want to give. It does not even need the other 14 provisions. Those two provisions alone would give ample justification for refusing to produce any documents of any kind to parliament.

I asked my office to do some research on what has happened since this session of parliament began with regard to motions placed on the order paper by individual members of parliament requesting the production of papers. My office found there were some 75 notices of motions for the production of papers placed on the order paper. Of those 75, 12 have not yet been answered by the government. Of those, 63 have been dealt with by the government. Of these 63, 49 requests have been rejected by the government and no documents were produced. Therefore, on only 14 out of 75 requests has the government satisfied the member by even producing some or all of the documents, of giving sufficient reasons why the documents were not produced that the member withdrew his request.

We do not need in parliament a new freedom of information act for the government to begin to relax the security that it puts upon government documents today. The government could today begin to free up the restrictions it puts on those documents. It could prove by its relationship with parliament that it is prepared to share information with the people of Canada. I submit this government has, through its behaviour over the last several years, proven it is not serious about the whole question of freedom of information.

No freedom of information act has any value for our citizens unless it includes a citizen's right to appeal a decision made by the executive of the government to refuse to produce information that is requested. Unfortunately the government's green paper makes it clear the government has no intention whatsoever of allowing Canadians to challenge a cabinet minister's right to give information to the Canadian public.

In the green paper there are five options listed as a means of appealing or considering decisions made by cabinet ministers to refuse to release information. Of those five, the green paper itself lists serious arguments against four of them. That leaves only one option which it does not criticize in any way, that is, that an individual information commissioner be created who would act as an arbiter between the government and the public. However, he would have no authority to overrule a decision that has been made by a cabinet minister who wants to hide information to which the public is entitled.

The government argues that it is somehow improper for the judiciary to have the right to evaluate a refusal by a minister of the Crown to make information available. I want to read the words in the green paper because they illustrate the mentality that is involved here. It says this about the judges:

> To require that he became a judge of a minister's actions, that he should have the power to replace the opinion of the minister with his own opinion, is to change his role entirely and to bring him into the political arena where he cannot properly defend himself. All of this could seriously threaten the independence of the courts and thereby place in jeopardy our present judicial system. Under our current conventions, it is the minister who must remain responsible for deciding whether to refuse or grant access to documents and this responsibility is a constitutional one owed to his cabinet colleagues, to parliament, and ultimately to the electorate. A judge cannot be asked, in our system of government, to assume the role of giving an opinion on the merits of the very question that has been decided by a minister. There is no way that a judicial officer can be properly made aware of all the political, economic, social and security factors that may have led to the decision in issue.

What more clear statement could there be of the government's position on this question? What more damning answer could there have been than that presented by the Canadian Bar Association to the Standing Joint Committee on Regulations and other Statutory Instruments when they included the study done by Professor Murray Rankin of Victoria on behalf of the Canadian Bar Association? This is what they had to say in their brief to the standing joint committee:

> Professor Rankin's study also condemns as a "self-serving myth" the contention in the green paper that there is no way a judicial officer can be properly made aware of all the factors that may have led to a decision to withhold a document. This assertion must be based on one of two assumptions, Professor Rankin concludes: "either that the evidence or arguments that a minister can advance to support non-disclosure are so insubstantial or ephemeral that he could never hope to persuade an independent person of their worth, or, alternatively, a judge lacks the intelligence or capacity to understand the evidence or arguments and to give them appropriate weight. That either argument could be seriously advanced by a present day government is eloquent evidence of its determination to avoid any meaningful legislation on the subject.
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> The study concludes, based on British and American experience, that to hand the final decision on disclosure of documents to the unreviewable discretion of a minister, "who is hardly a disinterested party" would make a sham of any system of access to government information.
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> Legislatures enact laws, ministers administer legislation and courts independently interpret the legislation and rule whether it is being obeyed. Hence, once parliament has exercised its jurisdiction to pass legislation, the government must comply with its terms. It is therefore obvious that some institution other than the government must be charged with making the final ruling concerning whether the government is correctly interpreting the obligations to comply which the legislation imposes.

Surely that is the principle embodied in this motion today. That is the principle which members of parliament are called upon to support.

What position has been taken by members of parliament up until the present on this particular question? The all-party committee on freedom of information surveyed members of parliament and senators and issued a report to every member of parliament. That report contains the following information: "A surprising 90 per cent said they favoured such legislation. Furthermore, 73 per cent favoured legislation with teeth, i.e., they wanted legislation with some form of judicial review