memorized this particular provision, simply because I hated it so much. It reads as follows:

(2) When a minister of the Crown certifies to any court by affidavit that the production or discovery of a document or its contents would be injurious to international relations, national defence or security, or to federal-provincial relations, or that it would disclose a confidence of the Queen's Privy Council for Canada, discovery and production shall be refused without any examination of the document by the court.

That is the part which really hurts. It was an outright sanctioning of an executive privilege without judicial review, and it was probably unique in the civilized countries of the world. Had the United States of America a piece of legislation like that, none of what happened when the country purged itself during the Watergate crisis would have been possible. In getting rid of that kind of provision, this particular act, if nothing else, advances the cause of freedom of information a great deal.

However, this act in itself is not enough. It is true that it is a hopeful beginning, but as the hon. minister who just spoke commented, there must be more than the letter of the law. There must be a genuine willingness in this place to give information on a reasonable basis within reasonable time limits to hon. members. Although delay is the deadliest form of denial when it comes to economic relief, it can also be deadly when it comes to providing information.

Let us look at the rather incongruous title of Bill C-43, which reads:

—An act to enact the access to information act and the privacy act, to amend the Federal Court Act and the Canada Evidence Act, and to amend certain other acts in consequence thereof.

Upon reading that description, one must ask oneself whether the government's approach is consistent and whether the government will carry on this kind of openmindedness in other areas. Section 43(9) of the proposed Canada Oil and Gas Act, Bill C-48, which was recently dealt with in this House, seems rather strange and somewhat counterproductive to the spirit of this bill. It reads:

Proceedings in an appeal to the Federal Court of Canada under subsection (5) shall be held in camera on request made to the Court by a party to the appeal.

Subsection (5) refers to infractions of the Oil and Gas Production and Conservation Act. I underline the words "in camera". There may be some reason for such a provision, and I am not prepared to dismiss it out of hand as not being appropriate, but on the face of it, it sounds very strange to me that under a statute which calls for access to the Federal Court of Canada, a party to such an appeal can have it heard in camera.

I would not have been so apprehensive if the word "may" was used, but the words are "shall be held in camera". I do not understand why that particular terminology is used with respect to that act. After all, it would appear as though there is nothing which would involve national security. It would appear prima facie that it would not necessarily involve any of the considerations which would be necessary to have it exempted. Even if that were so, just as this legislation provides for judicial review, so should the Oil and Gas Production and Conservation Act, if the government intends to be consistent.

Why should the government deprive a judge of the option to decide whether or not an important matter such as one emanating from the Oil and Gas Production and Conservation Act should not be held in open court? It is an incongruity and an example of why some of us are skeptical that the government will not continue to enact legislation in other areas which is inconsistent with this hopeful beginning with respect to access to information.

Another aggravation to all of us in opposition, and perhaps some of us while we were in government, is the apparent obfuscation in providing information on the order paper, which is another inconsistency. I have before me one example, and I only brought it along to emphasize or underscore a small point. In June, 1980, I asked a fairly routine question of the Solicitor General (Mr. Kaplan) about a matter in which I had some interest, Judge Rene Marin's commission of inquiry. My question was:

With reference to the commission of inquiry, relating to public complaints, internal discipline and grievance procedures within the Royal Canadian Mounted Police, was action taken to implement the commission's (a) 32 recommendations regarding the handling of public complaints (b) 13 recommendations regarding a federal police ombudsman—

And it goes on. I received an answer after six months, but it was no good and was deliberately obscured. For example, it says that of the 13 recommendations regarding a federal police ombudsman, seven will be proposed for legislation and six will be modified and proposed for legislation. That does not tell me very much. Which seven recommendations and which six recommendations? Now I must go back to the order paper again. As a famous author once said, "If you are going to talk the talk, you have got to walk the walk".

This piece of legislation, while a step in the right direction and while I want to be positive about it, should set the tone for the same kind of openness and the same kind of conduct found in other areas.

There has been much injustice as a result of section 41(2) of the Federal Court Act. The minister who introduced this bill well remembers, for example, an incident while he was solicitor general involving two RCMP staff sergeants which he knew, Gilles Brunet and Don McCleery, and how someone, who was not even a solicitor general but an acting solicitor general, used this provision to invoke executive privilege to the detriment of these two members.

Last spring I wrote to the Secretary of State for External Affairs (Mr. MacGuigan) congratulating him on his appointment. I mentioned that I was sorry that one of his first acts was to invoke section 41(2) and to withhold information regarding a matter involving the Canadian Dairy Commission. When he wrote me thanking me for my good wishes he was good enough to say that he, too, regretted invoking section 41(2), but nevertheless he did it.

It is good to see that from now on the ministers opposite will not have this option available to them. Like the hon. member for Halifax West (Mr. Crosby) I do not wish to get into a technical dissertation on the bill at this time, but I think it is fair to say that there are many loopholes, as it were, in this