

people, while maintaining among Canadians the necessary atmosphere of openness and confidence.

Therefore, this is not, as a number of groups have suggested, a means to remedy the shortcomings and imperfections of our current democratic government. The purposes of this bill is merely to make available to Canadians the documents which private citizens and groups wish to look into in order to understand better the mechanisms of government. Freedom of information is part of our human rights; when considering it, one must take into account the current legislation and bills which aim at protecting the fundamental rights of all Canadians and at favouring respect for these rights.

Some witnesses who brought evidence before the committee seemed to attach too much importance to the mechanism of the administration of a piece of legislation on freedom of information. Of course, this is an important principle to consider in view of any piece of legislation but we should bear in mind the important thing, which is to give good service to the public. On the evidence of the experience we acquired through the implementation of relating pieces of legislation, namely the legislation on individual rights, we noticed that, to obtain the expected results, a piece of legislation should be understandable and accessible and be directed to all Canadians rather than being an instrument for certain interest groups.

I should also say that this is the appropriate time, because we can take advantage of the experience of those countries which already passed legislation on freedom of information, namely Sweden and the United States. We can also take into consideration the ongoing deliberations and the discussions on this complex issue both in this country and abroad. But we must not forget that, while drawing a lesson from that experience, we must shape our legislation to the particular needs of Canadians.

Because of the open-mindedness that was present at the committee, its deliberations, I repeat, drew active participation. However, three main issues dominated the briefs which were presented: the exemptions, the cost and the review of complaints. By exemptions, we mean cases where access to documents would be justifiably forbidden. By cost, the expenses resulting from the implementation of the legislation on public access to government documents. The review of complaints would be done through a process inherent in any appeal procedure. As some of my colleagues will speak on the two first points, exemptions and cost, I would like to briefly touch upon the complaint review. It would only come into play—I mean the complaint review—when access to a document is refused. Those who suggest a judicial review seem to consider the whole matter within the framework of our present system of opposition between the prosecutor and the defendant. After all, the judicial review is but one of the solutions proposed in the green paper. And the review of the complaints will be only one of the elements, among many others, of the proposed legislation.

Freedom of Information

A number of witnesses before the committee seemed to be wanting to deal only with the complaint review board, thus attaching more importance to this board than it might ever have. The Bar, in particular, has expressed the opinion that any law on public access to information which would not require a judicial review of the matter would only be a hollow commitment on the part of the government. I fully appreciate the point of view of the Canadian Bar Association and the comparison they make with what is being done in the U.S., but I maintain that there are other solutions that are just as good. It must be noted that this government, with the Human Rights Act, the Official Languages Act and the proposed legislation on the ombudsman, has proved by actual measures that they strive to safeguard the fundamental rights of citizens, which is akin to the concept of a commissioner. For any bill relating to freedom of information, which is an analogous issue, one must also take this notion into its conception.

The green paper carries an extensive survey of the various possible ways of appeal. The witnesses have all tried to present the ideal solution to the standing committee. They have actually put forth a certain number of new ideas. One, for instance, Mr. Speaker was to give the Prime Minister the ultimate say in such matters. The press gallery proposed in its brief the designation of a commissioner for information who would be accountable to parliament and who would have the power to review the documents in camera but not power of invalidating a ruling. As for the National Anti-Poverty Organization it proposed instituting a parliamentary commission whose members could become the attorneys of those who seek the release of information.

It goes without saying that in order for that law to really produce its effects, an independent review commission must be established to pass rulings on cases where information will have been denied because the law would not otherwise be fair. Therefore a review commission for the hearing of complaints must be set up and characterized by its firmness and efficiency.

However I want to remind those groups who have strongly supported the principle of judicial review based on the United States model that the average cost of an appeal is \$10,000 and that even on a priority basis the time needed to get a case before the courts varies from six months to two years. One must not forget either that a relatively small number of documents is involved. For instance, the Secretary of State who testified before the committee revealed that there are about 4.5 million documents out of which barely 2 per cent are classified. It is understood that a high percentage of government documents are absolutely not sensitive and do not therefore constitute an issue. The recommendations contained in the report presented by the committee to parliament will surely deal with these complex issues and will put forth solutions.

In closing my remarks I wish to reiterate that the only thing which concerns me and I think concerns most if not all the