

● (1700)

Clause 28, the transitional provision in the bill, gives me concern as well. I am not sure of the purpose of that clause or what it means; that is why I am concerned about it. I suppose it falls into my general concern about the way in which legislation is written. I hope that one day in this country we will have in our legal drafting department some draftsman who can speak at least one of the official languages of this nation.

I wish to comment on a few more clauses. I want to refer to clause 37(2) which is a very powerful clause promoting exactly what the bill intends to do. I quote that clause:

Notwithstanding any other act of Parliament or any privilege under the law of evidence, the information commissioner may, during the investigation of any complaint under this act, examine any record under the control of a government institution, and no such record may be withheld from the commissioner on any grounds.

That is a very good clause. It gives the commission the power needed to enforce the act. It is a very positive clause.

I am pleased that the bill provides for the commissioner to make reports to Parliament. Not only must he make annual reports, but he can make special reports if he so chooses. However, I do have one concern. I would like to see it provided that the reports of the commissioner stand as a permanent reference to a committee of this House or a joint committee of both Houses. It could be the Standing Committee on Justice and Legal Affairs or the committee referred to in the bill which will be established to review the functioning of the act. I believe it is clause 73 which establishes the special committee or committees to review the act and make recommendations. That, of course, will be done by members of Parliament.

Today we have heard a lot about what this bill does not do. It is important to put on record what it does. I want to talk for a minute or two about the contents of the bill. The bill would provide a right of access to information in government records "in accordance with the principle that government information should be available to the public, that necessary exemptions to the right of access should be limited and specific, and that decisions on the disclosure of government information should be reviewed independently of government".

The second part of the bill dealing with personal information in government files would reaffirm the right of individuals to see and amend personal information and broaden that category to include all personal information, not only personal information used for decision-making purposes.

As promised in the Speech from the Throne, the bill would abolish section 41 of the Federal Court Act so that the government would no longer have the absolute right to withhold information from the courts during any litigation. A minister's objections to disclosure on public interest grounds would be subject to review by a court. The court would have access to the information at issue and the right to decide whether that information should be introduced as evidence. There are a number of exemptions. They are limited, defined and specific.

Access to Information

Another provision in the bill which is absolutely essential to protect individual rights is the third party notice. The bill would establish a third party notice procedure with respect to information provided to the government by unions, businesses and other commercial enterprises. It would require that such persons or organizations be notified when information that could adversely affect their interests is to be released, allow them to make representations as to why the information should not be released, and to appeal a decision to release it. There is a two-layer appeal system provided in the bill, the appeal to the commissioner and, if the individual is not satisfied with that decision, there is a judicial review before the Federal Court.

In closing, I congratulate the Secretary of State (Mr. Fox) on introducing this bill. I hope it will have the deliberate but not delaying scrutiny in committee that it deserves and will soon be entered into the statute books of Canada as the law of the land.

Hon. Perrin Beatty (Wellington-Dufferin-Simcoe): Mr. Speaker, for each of us in the House of Commons who has been involved in this issue of privacy and freedom of information over the course of the years, today has to be considered a happy day. Clearly on our side of the House there are concerns about aspects of the bill, both as it relates to privacy and to freedom of information.

We will be supporting this measure. We will be moving to get it before committee as quickly as possible and will be making proposals in committee and in the House designed to make this a better bill for all Canadians. I think I would be doing an injustice to all of those involved in these issues over the years if I did not say that the bill before the House today represents a significant step in the right direction.

Credit has been paid to Gerald Baldwin, our former colleague, who is well known as the father of freedom of information in Canada. Perhaps I would broaden that to refer to the committee of which he was the co-chairman and of which I am co-chairman at the present time, the Standing Joint Committee on Regulations and Other Statutory Instruments. It went on record a number of years ago as being in favour of the concept of freedom of information and pressing the government to take the action it is now taking today. It is important that we recognize the work being done by so many members to promote action in these two areas.

It might be useful at the outset of my remarks to review briefly some of the philosophy behind this legislation and something of the history behind it. During the course of time I have been here, the last eight years, it became apparent to me that the government's attitude toward control of information has been that if it has information related to its activities, as to how decisions are made which affect the day to day lives of Canadians or how Canadians' tax dollars are to be spent, that information is the property of the government. The onus is put upon the average Canadian to justify having access to that information. If governments want information about the private lives of individuals, they maintain the right to compel that