

to provide themselves with back-up for fulfilling their duties to their readers.

Surely it is time to move on the legislation. There is a member of parliament who has done something to his everlasting credit that may be more important than all the fine years he has spent in this place; I refer to the hon. member for Peace River (Mr. Baldwin). He has done the Canadian people a great service and I give him full credit for the work he has done.

**Some hon. Members:** Hear, hear!

**Mr. Deputy Speaker:** Order, please. It being six o'clock I do now leave the chair until 8 p.m.

At 6.04 p.m. the House took recess.

● (2002)

#### AFTER RECESS

The House resumed at 8 p.m.

**Miss Flora MacDonald (Kingston and the Islands):** Mr. Speaker, a few weeks ago we debated a motion put forward by this side of the House with regard to the Official Secrets Act. Today we are debating another motion put forward by the official opposition on freedom of information. The subject matter of both these debates is very closely related. This point was succinctly made by the hon. member for Windsor-Walkerville (Mr. MacGuigan) when he took part in the debate a couple of weeks ago. He stated in that earlier debate:

The "official secrets" question is almost the most serious aspect of the general problem of freedom of information. In the field of freedom of information we try to arrive at principles to what should be released and how documents should be classified by the government. In the Official Secrets Act we impose penalties for releasing those documents.

I presume he was referring to highly classified or highly sensitive documents touching on national security. He went on to say:

Official secrets legislation is, therefore, the completion of the doctrine of freedom of information.

That might be the ideal but it is not the reality. The Official Secrets Act which we have in Canada is, as my colleague for Halifax (Mr. Stanfield) pointed out in the earlier debate, enormously sweeping and catches up virtually everything anyone would think of.

Our present Official Secrets Act is not the completion of the doctrine of freedom of information. It is the antithesis of any principle of freedom of information. As it stands now, that act could serve to make any freedom of information legislation meaningless. More than that, our Official Secrets Act, which the government seems so loath to put up for revision, stands as an attitude of secrecy which pervades the government and its employees. The Secretary of State (Mr. Roberts) referred to it as an unfortunate tradition, one which even he in his green paper is doing very little to dispel.

#### *Freedom of Information*

I want to take a look at this attitude of secrecy. I prefer to call it a presumption of secrecy and compare it to its opposite, a presumption of openness. Whatever form the principle of freedom of information is to take will be determined by whether it is based on a presumption of secrecy or a presumption of openness.

I do not doubt the sincerity of the Secretary of State when he expressed before the Joint Committee on Regulations and other Statutory Instruments his concern that "government is too enclosed, that too much is hidden behind doors". Nor do I doubt that he truly desires to do something about the present situation. But I do doubt that he will go far enough, and I doubt that he will start from a presumption of openness.

The all-party committee on freedom of information expressed a similar reservation in its brief to the joint committee. Referring to the green paper's statement that exemptions should be confined to the genuine need for confidentiality, should be clear and few in number, the brief stated:

● (2012)

The all-party committee is in complete agreement. However, the committee does not think that the green paper has observed its own wisdom. The exemptions proposed in the green paper are fewer in number than the ones used in the notices for the production of papers, but are just as wide in their implications. In other words, if a member of parliament has had trouble with the notices for the production of papers, she or he would likely have just as much trouble with the freedom of information legislation that the government is presently in favour of introducing, no matter what form of review were adopted.

That was the stand of the all-party committee on freedom of information legislation.

The problem at hand is not whether there should be more open government; I think there is unanimous agreement that there should be. The problem is more subtle, and it deals with the attitude from which the more open government will arise. It deals from this basis: either an attitude of secrecy or an attitude of openness.

The attitude of the minister responsible for the green paper—and, unfortunately, it is shared by too many of his colleagues—is that of a government which owns its documents and must decide which of those documents it can release to the public.

The Leader of the Opposition (Mr. Clark) spoke about that very clearly this afternoon when he indicated that the government sees itself as being on one side and the public on the other. As he pointed out, even the title of the green paper is a reflection of that attitude on the part of the government. The title is "Public Access to Government Documents".

These are public documents. Government business is public business. The hon. member for Peace River (Mr. Baldwin), who we all know has been eloquent and outspoken on this subject, made that point succinctly in a recent article when he wrote:

Everything the government does is the public's business and the public, through its representatives in parliament, has the same right to information as the government decision makers... The onus must be on the government to justify every instance of official secrecy.