Again, the previous legislation required that a committee of the House or a joint committee table a comprehensive report within three years. This provision has been dropped from this bill. Clause 72 requires a parliamentary committee to conduct a permanent review of the act. That looks on its face to be quite attractive. The danger is that it will also be looking at a great deal of other legislation, and it may well be that in fact, instead of having greater power to consider the adequacy of the freedom of information legislation, this committee will be so cluttered up with other matters it will not be able to deal with all the things with which it should be dealing.

In summary, this is not a bill that is as strong as the freedom of information legislation introduced by the Conservative government. But I will say this; it is better than what the Liberals had proposed to do before. That is one minor recommendation. We can have a long and detailed discussion in committee as to the improvements that can be made in this bill, and I would expect, certainly from our point of view, we will be seeking extensive changes in the language and in the philosophy of the bill. Because this is restrictive philosophy in this legislation, and we believe that kind of restrictive philosophy has no place in legislation designed honestly to achieve freedom of information in the country. We want a bill which respects the rights of citizens to have information. What we have is a bill that respects and protects the rights of governments to hide information.

Some hon. Members: Hear, hear!

Mr. Svend J. Robinson (Burnaby): Mr. Speaker, I too rise to join in the debate on Bill C-43, this very important piece of legislation dealing both with access to information and protection of privacy in Canada, both fundamental principles, and long overdue in Canadian society. I am pleased this bill has finally come before the House and that all parties in the House were able to co-operate to see the bill through second reading today.

Let me also point out that we have been dealing in recent weeks with the Constitution of Canada and the proposed Charter of Rights and Freedoms. Members in this House will know that we in the New Democratic Party, and I must also say my friends in the Progressive Conservative Party, proposed that the fundamental principle of the right of Canadians to access to information, and the fundamental right of Canadians to protection from unreasonable interference with privacy, should be recognized in the Constitution of Canada.

● (1600)

That principle we put forward during the course of debate in committee, and I regret that those principles, which we regard as fundamental, were not accepted as part of the constitutional package which we put forward to the people of Canada. As I say, if we truly believe that these principles, the right of access to information and the protection from incursion into privacy, are to be recognized in Canadian society, we must ensure that they can never be eroded or taken away by an ordinary statute of the federal or provincial government. That was one of the reasons we suggested that these provisions should be extended throughout the Constitution.

I would also like to refer in passing to the report of the Canadian Bar Association on this very question. The Canadian Bar Association recommended the entrenchment in the Constitution of the right to freedom of information, and they quoted Ralph Nader who said—and I certainly agree with his remarks:

> A well informed citizenry is the lifeblood of democracy... The democratic process cannot function adequately without timely information about the activities of Parliament. A person should have the right of reasonable access to all public information in the possession of governments—

It is only if Canadians have access to information that they are able fully to exercise the other rights, such as freedom to vote, freedom to be candidates and freedom of the press, which we take for granted in Canadian society. We say that this fundamental principle should be recognized in the Constitution, and we regret that it was not accepted by the government in committee.

In commenting upon similar legislation last year at second reading of Bill C-15 of the Conservative government, I recognized, as have the minister and the Right Hon. Leader of the Opposition (Mr. Clark) today, the valuable contribution which was made by a number of individuals and groups on this important question. This includes Barry Mather, former member of this party who in many ways pioneered in this area. He tabled a bill in 1965, some 16 years ago, and on succeeding occasions, and he was joined in that, and was in fact superseded in that, by the outstanding work of the former member for Peace River, Ged Baldwin. As I said, Ged Baldwin can truly be considered the father, mother and uncle of freedom of information legislation in this country because it was his tireless work which resulted in the review of freedom of information legislation by the Standing Joint Committee on Regulations and Other Statutory Instruments; and it was his prodding, no doubt, that had a good deal of influence on his own government in bringing forward Bill C-15 in 1979.

I cannot leave this area without giving some recognition to the outstanding work which is being done by a number of very effective lobby groups in this area, persons working entirely on a voluntary basis, such as Access, The National Capital Association, The Civil Liberties Association, and a number of other groups which have spent a great deal of time pursuing this very important objective.

We do not need to look very far in Canadian society to see the need for this legislation and to understand why it is long overdue. I was pleased, for example, to note that the government is proposing the repeal of section 41(2) of the Federal Court Act, a section which has, unfortunately, been abused far too frequently in the past, a sweeping, exclusionary section which permits the minister simply to dictate to the courts that they cannot view particular documents, and at that point the documents are excluded from the court. We saw, for example, the present Secretary of State (Mr. Fox) using that provision with respect to certain documents forwarded to the Laycraft inquiry, and it now appears that there may have been some