

“Cotler set to overhaul access act”

by Bruce Ward, The Ottawa Citizen, 3 June 2005

The Liberal government will bring forward a draft bill in the fall that will overhaul the outdated federal Access to Information Act, Justice Minister Irwin Cotler said yesterday.

The 22-year-old act has long been criticized for having too many exemptions that shield senior politicians and Crown corporations from public scrutiny.

"Clearly, there are too many exemptions at this point," Mr. Cotler said in a question and answer session following a discussion with senior editors held by the Canadian Newspaper Association. He said the difficulty comes in striking a balance between "competing stakeholders."

"You can say you want substantial reforms, you can identify the areas in which those reforms should take place, but when you get to specifics, you'll find competing concerns. The answers are not always that simple."

As an example, he cited officers of Parliament "who are beneficiaries of confidential information," such as Auditor General Sheila Fraser. But what will happen to such information, he asked, if it becomes "immediately accessible through freedom of information?"

By implication, Mr. Cotler's example raised another issue. What would happen to Ms. Fraser's role as government watchdog if whistleblowers knew they could be publicly identified under revised access-to-information provisions?

Mr. Cotler said the government's intention is to produce a bill that reflects the principles of accountability.

As it stands, only about 20 per cent of Crown corporations are subject to releasing information. Entities such as Canada Post and Via Rail do not have to disclose their inner workings.

In April, Mr. Cotler tabled a discussion paper on changes to the act that is being studied by a Commons committee.

The panel discussion was intended as a dialogue on the legacy of the Charter of Rights and Freedoms and "a host of unfinished Charter business," said moderator Giles Gherson, editor-in-chief of the Toronto Star.

Scott Anderson, editor-in-chief of the Citizen, questioned Mr. Cotler about the "contextual principle" used by the minister to defend some curtailment of Charter rights to fight terrorism in light of the extreme harm that terrorists can cause.

"If this contextual principle can allow the curtailment of Charter rights, could it be applied equally to non-terrorist acts that could also cause great harm, such as someone who is believed to be capable of mass murder?" asked Mr. Anderson.

Mr. Cotler said all of the freedoms enshrined in the Charter are subject to reasonable limits.

"None of the rights of the Charter are absolute."