

Khan report blocked, despite Tory promise on secrecy

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OTTAWA — The federal government has rejected requests for the report on the Middle East penned by floor-crossing MP Wajid Khan by arguing that documents in the Prime Minister's Office are not covered by Canada's Access to Information Act.

The response suggests that Prime Minister Stephen Harper is hiding his records behind a secrecy policy that he promised to change in the last election campaign.

Mr. Harper appointed Mr. Khan, then a Liberal MP, to a post as his special adviser on the Middle East in August of 2006. Mr. Khan promised then to make his report public before leaving on his 16-day Middle East trip, which cost \$38,000. But the Prime Minister declined to release it.

Mr. Khan later switched sides to the Tories.

Now, the Privy Council Office, the central government department headed by the Prime Minister, has responded to an access-to-information request by saying that it has no such report under its "control."

A PCO official, Susan Fitzmorris, said that's because records in the Prime Minister's Office - which now has 92 employees - are not covered by the access law.

The government's assertion that ministers' offices are not covered by the access law is not new: In 1999, Jean Chr tien's government began refusing access requests by saying that the minister's office is not part of the department they head.

That interpretation was contested in court by then-information commissioner John Reid, and sharply criticized by the Conservatives and their predecessor parties, the Canadian Alliance and the Progressive Conservatives.

Mr. Harper promised in the last election campaign to scrap it. The Conservative campaign platform promised that the party's first task would be to pass an "accountability act" that would "implement" Mr. Reid's recommendations for reform.

Those recommendations include an amendment intended to dispel any claim that ministers' offices are not covered by the act. "This provision is included to clarify that the offices of ministers form part of the department over which they preside," Mr. Reid's recommendations state.

"It's passing strange how quickly they forget," Mr. Reid said in an interview.

Mr. Harper's government did table a watered-down accountability act last year, but without the access-to-information reforms.

Instead, the government sent a discussion paper for study by a Commons committee, but the committee quickly urged the government to simply introduce Mr. Reid's reforms in a bill by Dec. 15, 2006.

A spokesman for Justice Minister Rob Nicholson, Genevieve Breton, says the minister still wants the committee to study the discussion paper.

In the meantime, the Conservative government is fighting for the secrecy policy in court, insisting ministers' offices and the PMO aren't covered by the law.

Mr. Reid's challenge of that claim in four court cases is being continued by his successor, Robert Marleau.