Presentation to the Senate Standing Committee on Legal and Constitutional Affairs
September 20, 2006

Good afternoon Senators.

My name is Ken Ritter and I am chairman of the Canadian Wheat Board's board of directors. I farm in the Kindersley area of western Saskatchewan and am now in my third term as the elected representative of farmers in my district.

The CWB has requested the opportunity to meet with the Standing Committee on Legal and Constitutional Affairs to discuss the Access to Information provisions of the Federal Accountability Act and specifically, the amendment that has added our organization to the list of entities designated as "Other Government Agencies" that are subject to the Access to Information Act.

Simply stated, our position is that the CWB does not belong on this list. The reasons for this position are numerous. First of all, the CWB is no longer a government agency. In 1998, the structure of the CWB was changed so that it would be governed by an independent board where 10 of its 15 directors are elected by farmers. I have been chair of that board since its inception. The act that created the new CWB specifically states that it is neither an agent of the Crown nor a crown corporation. The CWB is accountable to the farmers of Western Canada who sell their grain through the CWB. Those farmers, not the taxpayers of Canada, pay the corporation's operating costs. We do not possess government information nor is our information under the control of the Government of Canada.

Secondly, we already have in place an information policy that gives farmers ready access to the information that they need to evaluate for themselves the value the CWB creates for them. The implementation of this policy was one of the first things we did as a board. It is designed to strike a balance between farmers' need for pertinent information and the CWB's need to protect the sensitive information that it gathers as one of the world's largest grain marketers. Just to give a bit of a sense of how important this consideration can be, please keep in mind that the CWB markets 18 to 20 million tonnes of grain per year, that we have annual sales of over $4 billion and that in markets for commodities like high quality spring wheat and durum, we supply as much as 50 to 60 per cent of world trade.

The CWB's information policy – which is posted on our Web site – states what we will disclose: for example, market, performance and delivery-related information. At the same time, the policy also clearly lays out the areas where requests for information will be declined, including personal information about farmers and employees and commercially or strategically sensitive matters.

Many producers, however, simply pick up the phone or speak directly to elected directors, like me, about their concerns. I have access to CWB sales and financial information and I help to set the strategic direction for the organization. It is my job, as a director, to serve as farmers' eyes and ears within the CWB. It is a job that I take seriously, as do my colleagues around the board table.

Adding the CWB to a list of “government institutions” will not enhance farmers’ access to the information they need. What it will do is hamper the independence of the CWB and increase the administrative costs that farmers will be forced to incur. Specifically, subjecting the CWB to the provisions of the Access to Information Act will put it at a disadvantage with its commercial competitors who could gain access to types of information about the CWB that we could not obtain from them. It would also open up sensitive information to access by groups in other countries like the United States who are bent on pursuing a policy of trade harassment towards Prairie grain producers. Farmers in Western Canada have already spent in excess of $15 million defending themselves against no less than 14 groundless trade actions by the American administration. They hardly need to be subjected to further harassment because of this amendment.

So our preference is that the CWB should not be made subject to the access to information provisions.

However, if the CWB is to be made subject to the provisions of the Access to Information Act, then it should be given the same protection provided to four other organizations listed in the proposed section 18.1, namely Canada Post, Export Development Canada, the Public Sector Pension Investment Board and Via Rail. Because of the additional protection these agencies get under the proposed legislation, they do not have to prove that commercially sensitive information that they decline to provide is of “substantial value” to their organization. This will help them control the cost of compliance with the legislation and will protect them from having to release bits of information that in aggregate would be prejudicial to them even if the individual requests are not. At the very least, the CWB should be afforded the same protection – although, for the reasons cited above, we maintain that Access to Information should not apply at all.

In addition, it should be noted that any further requirements placed on an organization like ours – in terms of compliance with access to information regulations – should not be implemented overnight. It will take time for the CWB to ramp up for compliance and therefore, a suitable phase-in period should be included in any legislative package that imposes further requirements on our business.

I thank you very much for this opportunity to appear before the Committee on Legal and Constitutional Affairs today. I trust that in the course of your deliberations, you will give due consideration to the concerns that I have expressed. If you have any questions about these issues, I would be glad to offer any clarifications that I can.

Thank you again.