

*Official Secrets Act*

gives us cause for thought as to whether everything Mr. Stevens says is the absolute truth and comes from on high. Be that as it may, he is probably the sole critic of the position taken by my colleague from Peace River with regard to this matter.

I can perhaps underline that fact by making two comments. As far as I know, every newspaper, every editorial comment and every political observer commend the hon. member for Peace River on the position he has taken and castigate the government on the position it has taken with regard to this matter relating to Mr. Treu. In fact, the paper for which Mr. Stevens writes made reference to the Minister of Justice (Mr. Basford). I wish to quote from the collected wisdom of the paper rather than an isolated columnist. I quote from an editorial in the June 7, 1978 edition of the *Toronto Globe and Mail*. It is a reference to the attitude and position taken by the Minister of Justice. I quote:

Mr. Basford responded with a glib sophistry unworthy of his office.

Mr. Stevens should read that comment. The article goes on to comment with regard to the performance of the Minister of Justice, and I quote:

Meanwhile Canadians generally, and the Minister of Justice in particular, will have to start getting used to the idea that thanks to the Treu case Canada has joined such countries as Argentina, the Soviet Union, Chile and Uganda in coming under the examination of Amnesty International, the international organization that investigates violations of human rights and campaigns for their redress.

Those kinds of comments are the kinds of uniform comments one finds across this country with respect to this outrageous trial we are now considering and which continues on to appeal. It does not do the case of the government any good to have the parliamentary secretary bring forward provisions in the Criminal Code where there is a particular, narrow situation prohibited or banned from publication, or where there is an opportunity for the judge in certain cases to clear the courtroom temporarily. It does no good for the government side of the case to present those arguments. That is what those on all sides of the House who object to the provisions in the Official Secrets Act are trying to attain.

What does the motion say? It does not say that we should wipe out every provision in this country with regard to national security. It does not say there is not a place in certain limited instances where considerations of national security have to be protected. What the motion says is that certain aspects of the Official Secrets Act have to be changed. Limitations have to be placed on the powers now contained in that act relating to secrecy and to the onus of proof. If anyone speaking on behalf of the government suggests that is not the basis upon which we all approach the Official Secrets Act, then I am really concerned about where we are going in this country.

I suggest to those who oppose this motion that, as suggested in the motion, we should look in committee at ways of melding the interests of national security, the interests of the state, and the interests of the basic principles of freedom and openness which we hope will be prevalent in our country, and that in some way we can, by non-partisan deliberation, come to some conclusions.

[Mr. Hnatyshyn.]

Maybe we can do as the Prime Minister (Mr. Trudeau) suggested when he did not call the election—demonstrate that there is a lot of work which parliament can do. If we are not going into an election, let us get on with this kind of task. Let us have this kind of non-political, non-partisan look at what is an odious piece of legislation if ever there was one.

I want to comment on a rather interesting aspect of what has gone on in the debate today. I detect two lines of argument coming from those who purport to speak for the government. If I can lump the speakers together, one line consisted of arguments by the Minister of Transport (Mr. Lang) and the Parliamentary Secretary to the Minister of Justice who apparently gave us the official government view with regard to the Official Secrets Act and the content of this motion. The other line was presented by the Secretary of State (Mr. Roberts) and the hon. member for Windsor-Walkerville (Mr. MacGuigan). There was somewhat of a conflict between the two lines of reasoning carried on by those two groups.

As I understand the principles which should guide us in this country, freedom of information and openness should be a basic principle and a basic right and any limitation should be an exception to that rule. Those who oppose this motion appear to take the position that somehow the government, in its power that is granted to it by the electorate, should have the ability to make decisions and that there should be the right to do that in private, in closed conference, getting advice that is not open to the public except in specific exceptions granted by the government in their wisdom.

That really is the fundamental question we have to consider. What is the attitude of this government toward freedom of information as it relates to the general topic and to the conduct of judicial proceedings in this country? The Secretary of State tried to speak on behalf of freedom of information. He said he accepts that idea and supports it strongly. I ask the Secretary of State, as I have done in the course of committee meetings, how far he and this government are prepared to go to bring about effective freedom of information as opposed to something less than effective freedom of information.

● (1652)

Unfortunately, the Secretary of State has not yet come down hard on the side of supporting the proposition that there should be an independent review of an application for information by any citizen of this country which could be adjudicated upon by an independent arbiter whose decision would be binding in 99.9 per cent of the cases upon the executive or cabinet of this country. I think that is a very fundamental consideration we have to give to the kind of freedom of information we have in this country, if it is to be effective. All I am saying is that it is all right to pay lip service to freedom of information and to stand up in this House and say that we really believe that there should be freedom of information; but if we are not prepared to support the basic mechanisms which would bring about that freedom of information, it is quite another thing to be believed.