

Archives of Canada

There are a number of other concerns that have been expressed relating to information that has been received from a foreign state or an international organization of states which may be destroyed where required by the foreign Government or organization concerned. This is a defect in the legislation at which we should like to look in the legislative committee. In general we feel that the Archives should have the final authority to decide upon what records should be preserved, subject to the provisions of the Privacy Act concerning the release of personal information.

• (1540)

Any exception to the rule should be carefully and clearly defined and circumscribed so that we ensure that important records relating to the political and historical life of Canada are indeed preserved, not shredded at the whim or will of some unknown and uncaring or perhaps caring individual. However, this is the general principle we feel should prevail. We look forward to studying the Bill in the legislative committee.

The Acting Speaker (Mr. Paproski): I regret that the Hon. Member's time has expired, but he will be able to respond to questions and comments, if there are any.

Mr. Edwards: Mr. Speaker, we have had and continue to have an excellent exposition of the issues this afternoon. It is probably a Friday afternoon which could stand out perhaps not in terms of an immediate resolution of the issue but certainly as a thorough exposition of the issues.

I have a number of brief comments and a question for the Hon. Member for Laurier (Mr. Berger). Could he describe what kinds of documents he would prefer to see preserved? I think we are getting to the edge of the argument here by dealing with areas such as documents related to alliances with foreign Governments. We are also getting into the area of ministerial documents. I think the Hon. Member correctly pointed out that personal and political documents should be excluded. In any event, I am certain that at some point when he concludes his long and rewarding parliamentary career he might want to have certain items removed from circulation and not necessarily preserved for posterity. I should like to have his views on that point.

Before obtaining those views, I should like to point out that we have a great need for the preservation of a tremendous volume of records. For example, as the Minister pointed out earlier, we have the unfortunate situation where many computerized records are not now provided for in terms of preservation. We have new and distinct characteristics which identify us as Canadians which must be codified and preserved, such as our unique national traditions of bilingualism and multiculturalism, our unique parliamentary system and our public institutions. Of course these are parts of our collective memory, and it is one reason it is essential to have the value which is inherent in this statute as part of our legislative mandate.

I would be most appreciative if the Hon. Member could describe the kinds of documents he would prefer to see preserved. Would he want to have any personal and political documents excluded? Would he concede that there are some

security considerations particularly when the laws of foreign Governments and our international treaty obligations might otherwise prevent the publication of such documents?

Mr. Berger: Mr. Speaker, I would like simply to take note of the Hon. Member's observations. I understand that there are other Hon. Members who want to intervene in the debate this afternoon. I also understand that we will have an opportunity to discuss those questions in committee.

Mr. Edwards: Mr. Speaker, I appreciate the fact that the Hon. Member wants to enrich the activities of the committee as much as possible, but I ask him not to deprive us today of his wisdom, of his sagacity, and of his personal opinion. I will refine my question to a very pointed one. Would he not concede that there are circumstances wherein a parliamentarian upon retirement would want to be sure that certain personal and political communications were not part of the official record to be disclosed at some later date? Correspondence could be very personal and could be very political, as has been conceded. I ask that one, very pointed question.

Mr. Berger: Mr. Speaker, undoubtedly there are occasions when that would happen. We also have rules governing secrecy which require that records be kept for a certain period of years prior to public disclosure. On occasion I think the use of 30 years has been the practice.

I could only point to the draft Bill before us this afternoon. It refers to records of a personal or political nature. What does "political" mean? It could take on everything, in that everything with which we deal is political. The exceptions could be so wide that it could encompass almost everything. It is necessary to have more precise definitions when we are drafting Bills. I would certainly be interested in obtaining a definition or an explanation of the term "political nature" when we reach committee stage.

The Hon. Member mentioned alliances with foreign Governments. I should like to refer to subclause 5(6) of the Bill which indicates that records cannot be kept by the Public Archives when information was received in confidence from the Government of a foreign state. What does that mean? All it means is that the President of the United States, the International Trade Commission, or whatever—and we can think of the current foreign trade negotiations—can stamp "confidential" on memos and request that they be destroyed, and none of the documents would ever go into the Public Archives. I think we will have to obtain an explanation of what all this means in committee. Otherwise, the exceptions will be so broad that pretty well everything will be excluded from the jurisdiction of the Archives of Canada.

Ms. McDonald: Mr. Speaker, the question about what kinds of documents will be excluded requires some very careful definition. One area which I did not go into in my own remarks but about which I am concerned is the royal commission exclusion, to which other Hon. Members have referred. Of course it may involve very sensitive documents, but they are absolutely vital to the formulation of public policy.