

Statutory Instruments

not to be at cross-purposes with their political masters, or they would have given the report orally and not on paper. This is an issue of great complexity and delicacy and I trust the committee will explore it in depth before tendering their advice.

Moreover after many years of experience in government as a civil servant, and more recently as a minister, I am literally appalled at the immensity of the problem of providing access to working papers or even, if I may add, of providing a list of the working papers which would seem to be called for if disclosure were to have any meaning whatever.

It would be a fatal error, in my judgment, to institute a system which compelled civil servants to rely on word of mouth in giving their advice on complex issues, or to resort to devices such as draft memoranda, a device which I gather is resorted to in jurisdictions where full disclosure is the law.

I do not think there would be any difference of view if I were to say that it is of the essence of our system of parliamentary government that ministers make the decisions and take the responsibility for those decisions. They are free to accept or reject the advice of their civil servants, who do not take the responsibility for the decisions. I ask this question: if working papers were to be disclosed at any time would it be expected or permitted for civil servants to go public and defend their advice, or would they be expected to accept the criticism without any opportunity for reply? I make this point because this seems to me to be the essence of the problem we face: either we have a system of responsible government in which ministers make decisions and take responsibility, or we do not. If we bring civil service documents into the argument it seems to me we are altering the very principles upon which we now function.

● (2040)

Another point which seems to cause confusion concerns the classification of information. The system now in use is designed for internal administrative purposes, not for external purposes. The philosophy under which documents are classified in the Canadian government, and I assume it is the same in other governments, is that information should be available to those in government who "need to know."

If a document is marked "secret", it means that it is for the attention of ministers or very senior officials. More junior officers in a properly organized department or agency may require some of the information in a secret document but they are unlikely to require all of it, or perhaps not in the manner in which it is presented.

"Confidential" is the term applied to information required by a wider range of officials, but not necessarily all of them.

There is another classification called "restricted", which really only means "for internal use only."

The problem, as I suggested, is that these terms used for administrative guidance are the same as words used for external purposes. They should not be confused.

In defence or foreign affairs "top secret" means that the disclosure of the information would result in exceptional-

[Mr. Sharp.]

ly grave damage to the safety of the nation; "confidential" refers to information that, if released, would be prejudicial to the interests of the nation.

The system of classification of other internal documents is not really related to whether they should be revealed publicly at all. It relates to how far they shall circulate within the circle of the civil servants, or of the ministers. When it is suggested sometimes that such and such a document has been overclassified, that argument is irrelevant as to whether it should be published. All documents prepared within the civil service are meant for circulation within the government and they are not to be published. The "secret", or "confidential" or "restricted" means that they are to circulate within a certain circle. One could sometimes think, when one hears discussions about information, that, somehow, when the government marks something as secret, it is secret from outside. It is not. All documents are secret from outside. They are intended for internal use only. The "secret" refers to how far they can circulate within the government itself.

Mr. Knowles (Winnipeg North Centre): What label do you put on a document that is supposed to be leaked?

Mr. Sharp: "Secret."

Some hon. Members: Oh, oh!

Mr. Sharp: I fully support the extension of the mandate of the Statutory Instruments Committee and urge the committee to continue in this thorough manner. As much information as possible should be made available by government. Only the most narrow definitions of national safety and stability, personal privacy, and justice and equity, should serve as restrictions on information. It is to the advantage of government to release as much information as possible. I may add this: I have been in government and connected with it, one way or another, for almost 30 years. When I compare the volume of information that was released when I entered government and the volume of information that was requested with what is done today, I can only say that there has been a vast increase. Indeed I do not think it is too much to say that we are polluted with information.

Mr. Stanfield: You mean you are polluting the country?

Mr. Sharp: It could be, but information is certainly released. Far more information is released today about government operations and about facts upon which decisions are made than was ever released in the past. For example, I can recall previous ministers of finance preparing the budget.

When I first was in government I worked in the Department of Finance. The then minister of finance presented a budget not quite as long as those which have been presented in more recent years. There were no accompanying documents, except the accounts. There was no analysis of the economic outlook, no white paper, and so on. All this has developed in recent years. This example should be multiplied many times in government.

I think citizens have become more aware of problems and of actions that governments propose as solutions. I welcome this. I think it is essential. Citizens, by being