

privacy, it becomes the public responsibility of that government to claim an exemption from production.

There has been a long-standing public policy that investigations conducted by police forces and the data gathered during those investigations be treated confidentially. It follows that this policy protects such information from disclosure to the public and to members of the House of Commons. The necessity for the preservation of this confidentiality was aptly described by the prime minister of the day in Great Britain, Lord Palmerston, in 1865 when he commented:

As a general rule no doubt, they—

That is, police reports.

—are not laid before parliament, and for this reason, not because it would be against any order of the House, but because law officers would be more cautious in expressing an opinion if they knew it was to be laid before parliament and the public.

This stated reason, and others as cogent, can be rallied in support of a case for exemption from production in this matter. The passage of time and the continuation of the practice of this exemption continues to reinforce the sensibleness of the reasoning of Lord Palmerston. Production would surely jeopardize the orderly conduct of the administration of justice both federally and provincially and would seriously impair the course of future police investigations of this nature.

● (1710)

Inquiries by the police of the nature in question necessarily involve the acquisition of information from a large number of individuals. Candidness is encouraged, and protection of the interviewee is often considered. In this process of interview and meticulous recording, half-truths may be recorded, hearsay acquired and allegations made that may never be substantiated. The careful recording of this information becomes essential to the production of evidence if, upon substantiation and admissibility as evidence, it will lead to a formal public charge. It is obvious that those matters which cannot be substantiated but were necessarily recorded in the investigative process must be withheld from publication. Yet these matters may appear in a police report side by side. Confidentiality is preserved if necessary between the Crown and its informants in order to save the latter from those who may become accused. Only information that is relevant, admissible and safe to publish will be brought forward at a preliminary hearing of the charges or trial. To do otherwise could cause irreparable damage to the reputation of honest citizens and discourage them and many others from co-operating with future investigations of criminal activities.

The production of police reports in the manner requested would inevitably lead to the laundering of police reports by investigators in an honest and therefore necessary attempt by police to protect their sources of information from exposure. The essential need for a full and complete exchange of information between the police and the Crown would be irreparably damaged as a result. Potential charges could be missed and the ability of the Crown or police to bring charges forward becomes crippled in the process.

#### *Prairie Farm Assistance Act*

In projecting these inherent difficulties the government has directed a claim for exemptions to be made in relation to reports and other documents the release of which would be detrimental to the security of the state. In 1969, the commissioners of the Royal Commission on Security addressed this issue as follows:

The duty of the state to protect . . . its information from unauthorized disclosure . . . is indisputable; what are matters for dispute are the procedures established by the state to meet this responsibility in an area which can touch closely upon the fundamental freedoms of the individual.

The duty here was emphatically exercised by declining to produce the documents requested. The importance of this particular case pales in the wake of the fundamental duty of the government to protect the public interest by supporting the confidentiality of police informants, other than those that must necessarily give evidence in support of the case for the Crown.

It is the responsibility and duty of the attorney general in a province to prosecute charges under the provisions of the Criminal Code. The evidence given in support of a charge is thereby published and a transcript of that evidence is available to all and is a matter of public record. Anything beyond this which is made available to the public is dispersed entirely at the discretion of the attorney general of that province, in his capacity as the chief law enforcement officer with the responsibility of the administration of justice within that province. It can be readily appreciated therefore, that any material which may be in the possession of the Department of the Solicitor General and/or the Royal Canadian Mounted Police should not be released by order of this House. To do so would be to subvert the authority and public duty ensconced in that attorney general.

In the particular case in question, the Royal Canadian Mounted Police conducted an investigation into alleged misuse of funds under the Prairie Farm Assistance Act in Saskatchewan. As a result of this investigation, a criminal charge of fraud under section 338(1) of the Criminal Code, was laid against an individual. We are all aware that such a charge is clearly the responsibility of the attorney general of Saskatchewan, and that as such the federal government has no right to force any further information to be made public regarding this case. The transcript of the preliminary hearing is available upon request and is a matter of public record.

The balancing of the basic rights of individuals vis-à-vis the interests of the state must be handled with delicacy. This is invariably difficult. But when the revelation of information undermines the rights of individuals to confidentiality in their capacities as witnesses, or when release of information can inevitably harm individuals without any apparent benefit accruing to the state or anyone else, the choice becomes obvious.

This House cannot arbitrarily usurp the power vested in the attorney general of Saskatchewan or any other province without seriously damaging its relationship with the provincial governments, in addition to destroying its relationship with the police forces in Canada and elsewhere. If investigators feel