

Official Secrets Act

necessity of openness, a necessity which I certainly accept. He went on to say:

A government which pursues secret aims, or which operates in greater secrecy than the effective conduct of its proper functions requires, or which turns information services into propaganda agencies, will lose the trust of the people. It will be countered by ill-informed and destructive criticism. Its critics will try to break down all barriers erected to preserve secrecy, and they will disclose all that they can, by whatever means, discover. As a result matters will be revealed when they ought to remain secret in the interests of the nation.

I think most, if not all members, will accept that there are some matters which should not be accessible to the public. That does not in any way derogate from the essential principle which should govern our actions.

The hon. member for Winnipeg North Centre touched upon one area, an area which has considerably exercised me, namely that there may be upon occasion a conflict or, it would be better to say, a tension between the rights to privacy and the rights to public knowledge. He cited in particular the case of income tax returns.

He cited also the fact that 40 years ago he presented a piece of legislation and in the intervening years he had become more concerned with the rights of poorer people. I find it impossible to believe that the hon. member could become more concerned with the rights of poorer people, a determination that he has shown throughout his parliamentary career. He recognized that there could be a conflict between the possession in the hands of government of tax information which the individual citizen, even if only an individual citizen with an income of \$150,000 a year, would have a right to protect, a right to privacy that in some ways was a limitation therefore upon the right to know.

● (1532)

I doubt that there are many members of the House of Commons who want to allow the public to have the capacity to force the federal government, when preparing for a conference with the provinces, to disgorge its negotiating position or the basis upon which it wishes to undertake those negotiations one week or two weeks before the conference is to take place. To make the example more clear, I am sure most hon. members would not want the public to be able to insist on knowing what kind of negotiating position the government is considering in relation to some international negotiations.

Apart entirely from what we might call the narrow area of national security, there are public interests, which I think all hon. members would recognize, which relate to certain documents held within government.

The task which the green paper outlined as essential was not simply the establishment of the basic principle that information which is available to the government should also be available to the public; the green paper also recognized that there will have to be, however strongly that principle is established, certain exceptions to that principle.

I must confess that in government we found it difficult to wrestle with the problem of the precise definition of what those exemptions and exceptions could or should be and to find language which would adequately respond to the problem.

That was one of the reasons why in the green paper on access to public documents we put before the public a variety of possible interpretations. For instance, we asked whether it would be acceptable to adopt the wording which exists in the United States freedom of information act or, alternatively, we wondered if it would be preferable to use the wording which was being considered by the parliament or the government of Australia. We were open to suggestions as to how these exceptions, which will be necessary, can be worded to make them as precise and narrow as possible. That was one area of controversy which was outlined in the green paper. I am glad to say that there has been a great deal of public discussion about it.

Another controversial matter is the question of what kind of review process should be applied to the application of those exemptions or exceptions. If one does admit that there must be some exceptions to the basic principle, then there is the basic question of who is to decide on the application of those exemptions and whether any specific document falls within their confines.

In the green paper we presented, as a basis for discussion, five varying approaches as to how that review process might be exercised. I know that there are some who regard the green paper process as a disguised dressing up of a determined government conviction. They feel that rather than genuinely presenting matters for discussion we have some design which has already been determined and that this is a means of obfuscating essential issues.

I want it to be clear to members of this House and to the public that that is definitely not the case. There has not been a predetermined government position on how the question of the exemptions and the review process should be handled. There was a genuine desire to have the input of that very valuable committee of which the hon. member for Peace River (Mr. Baldwin) is co-chairman. There was a desire to have its views as well as the views of the public. It was with that purpose in mind that the green paper was referred to the joint committee of which the hon. member for Peace River and a distinguished member of the other place are co-chairmen. I hesitate to say this, but I thought that the hon. member for Windsor-Walkerville (Mr. MacGuigan) might have been—unintentionally, I am sure—slightly unjust to the hon. member for Peace River when he implied that the hon. member was in some way dragging his feet on this issue.

The hon. member for Windsor-Walkerville urged me to take action without waiting for the report of the joint committee, but I know that the deliberations of the committee have been active, and I can say honestly that they have been extremely useful. I know that the joint committee plans to report some time before the end of this month. At least, we hope it will be before the end of this month, and I am very much looking forward to the conclusions the committee will draw from the hearings which have already been held.

The presentation of briefs to the committee has in itself been a very useful process. It has enabled us to get a sense of perspective regarding the views of interested organizations on