

Mr. Lambert (Edmonton West):—if he gets caught under section 239 because he failed to catch this little point. This is bureaucracy gone mad.

Clause 1, section 237, agreed to.

Clause 1, section 238, agreed to.

On clause 1—section 239: *Offences*.

The Chairman: There is an amendment proposed to this clause by the hon. member for Edmonton West.

[*Translation*]

Mr. Clermont: Mr. Chairman, I would like to suggest that section 239 be stood.

[*English*]

The Chairman: Is it agreed that section 239 shall stand?

Some hon. Members: Agreed.

Mr. Lambert (Edmonton West): Mr. Chairman, there is a further point under subsection (4) of section 239. This provision is completely new:

Where, in any appeal under this act, substantially the same facts are at issue as those that are at issue in a prosecution under this section, the Minister may file a stay of proceedings with the Tax Review Board or the Federal Court, as the case may be—

Then it provides that either the board or the court must stay the proceedings. Since the Minister of National Revenue is now in the committee perhaps he could tell us why priority is given to the criminal proceedings under section 239 as against the proceedings in the Federal Court, trial division. If a case has some element in it involving criminal proceedings, why are these proceedings given priority? Why are the criminal proceedings not dealt with subsequent to completion of the civil case?

Mr. Gray: Mr. Chairman, I think two comments might be made in response to the hon. member's question. First of all, it seems to me that if the type of procedure contained in the proposed subsection was not available, there could be two separate tribunals dealing at the same time with similar facts and one can see there could possibly be unfairness to the taxpayer concerned. There is a second point I should like to check and I will speak to it in a moment or two.

Mr. Lambert (Edmonton West): Mr. Chairman, since this is an important point and we have a new provision here, I think the minister should take this under advisement. I want to know why criminal proceedings have priority over civil proceedings. Criminal proceedings are directed by the Attorney General on the one side and the Minister of National Revenue is being asked to comply with the desire of his colleague to enter a stay of proceedings on the civil side. This would mean that the proceedings before the Tax Review Board or the Federal Court would be stayed. I feel the priorities are reversed here.

Mr. Gray: Mr. Chairman, I see it is about ten o'clock and perhaps it would be more helpful to the committee if I attempted to provide the information to the hon. member at the next session of the committee.

The Chairman: Is it agreed that we call it ten o'clock?

Proceedings on Adjournment Motion

Some hon. Members: Agreed.
Progress reported.

PROCEEDINGS ON ADJOURNMENT MOTION

A motion to adjourn the House under Standing Order 40 deemed to have been moved.

THE CANADIAN ECONOMY—FOREIGN OWNERSHIP—LEAKING OF REPORT TO CABINET—DESIGNATION OF ALL GOVERNMENT DOCUMENTS AS PUBLIC UNLESS OTHERWISE INDICATED

Mr. Doug Rowland (Selkirk): Mr. Speaker, on Monday, November 15 I asked the Acting Prime Minister (Mr. Sharp) whether the government was also considering reversing current government policy which requires that government documents be confidential unless otherwise designated so that all government documents would be public documents unless otherwise designated by the government. To this he replied:

Mr. Speaker, I am sure I speak for all those who have been charged with responsibility for government when I say that unless there are confidential relations between public servants and the government the whole system breaks down, and that is what is at issue here.

Mr. Speaker, I asked that question because it is distressing to me to see so much time and energy being devoted to, and so much glee and chagrin being displayed over the making public of a document that should never have been secret in the first place. The information being compiled by the Minister of National Revenue (Mr. Gray) in order to assist the government in coming to a decision on the whole question of foreign ownership in Canada is being compiled at the expense of the taxpayer. It is of vital interest to the entire nation and is information that is essential to proper judgment being made about the policies which would be based upon the data being compiled by the minister.

The report should have been a public document. If it had been, we would not now be subjected to this tempest in a teapot. But my concern goes beyond the so-called Gray report and the alleged cabinet minutes of July 29. My concern is to see the entire existing concept of secrecy of government documents—that is to say, that the documents are considered to be classified documents unless declared to be otherwise—reversed. I want to see the whole system reversed.

• (10:00 p.m.)

My question arose out of a belief that there is an increasing desire on the part of the public to participate more directly in the making of the decisions which inevitably affect them. My question arose also out of the belief that the power of the legislature to control the cabinet has been diminishing and ought to be increased. In our society information is power. When one party in an argument or a dispute or a discussion has a virtual monopoly on information, the exercise is extremely one-sided. Participatory democracy is a meaningless phrase if only the government has the information necessary to participate mean-