

Official Secrets Act

● (1522)

Hon. John Roberts (Secretary of State): Mr. Speaker, as members of the House will realize, I am not in my normally fine voice today. I therefore would not have sought to rise to present my views to the House, particularly on the essential subject matter of the hon. member's motion, the Official Secrets Act, if it were not for the speech by the hon. member for Winnipeg North Centre (Mr. Knowles) and the speech of my colleague the hon. member for Windsor-Walkerville (Mr. MacGuigan) which touched upon the question of freedom of information or access to public documents.

No doubt the parliamentary secretary will later be replying to the various interesting speeches which have been made by members on all sides of the House which relate to the Official Secrets Act. I would like to confine my remarks to the question of freedom of information which the hon. member for Windsor-Walkerville virtually challenged me to speak about today. In the face of such a challenge, I would find it hard to resist informing the House as to what is the present situation.

The hon. member for Winnipeg North Centre said something to the effect—I may be paraphrasing but I think not inaccurately—that too much is secret around this place, that there is not enough openness in government administration. I want to say right off that both I and the government agree entirely with that statement as I have paraphrased it. We do agree that too much in the conduct of the business of the federal government, indeed one might say of all levels of government in Canada, is carried on in a confidential manner, behind closed doors and away from public scrutiny.

It may be interesting on some occasion to try to analyse the historical reasons why that should be the case. It may spring from the fact that the power of government was the power of the Crown. Gradually the Commons undermined that authority of the Crown; but the legacy of that process was the basic principle that the conduct of the business of the Crown was decided upon in secret. It may be in some ways a reflection of the traditions of parliamentary government.

In parliamentary government, as Bagehot described it a century ago, the principle was that responsibility was focused clearly in the hands of a prime minister and a government responsible to the Crown. They were judged through decisions of the House of Commons, through the decisions of the public, on the basis of their accomplishments, on the basis of their policies and on the basis of the legislation which they publicly presented. The process of arriving at that point of presentation, the planning, the consideration, the calculation of what was to be done and said, was away from the eye of the public or the opposition because it was, in effect, the results of government which were being judged and assessed by the Commons.

Whatever the historical reasons might be for the development of these traditions of secrecy and confidentiality, it is certainly a paradox that in the last quarter of the twentieth century so much in government should be hedged about by doctrines of confidentiality and practices of secrecy. We find this not only in the presentation of advice of civil servants to ministers. We find it not only in the deliberations of the

[Mr. Jarvis.]

cabinet. We find it in the deliberations of various caucuses of the parties of this House of Commons which are carried on behind closed doors, away from the public view. There is in some ways a legacy of the use of confidentiality which, I agree with the hon. member for Winnipeg North Centre, is in the present context, the context of the twentieth century, an unfortunate tradition which has carried this far.

The hon. member for Windsor-Walkerville invited me to associate myself and all members to associate themselves with the paragraph which he read from the Franks report. I do that with glad heart. Lord Franks describes the conditions which require openness in government, the danger of arbitrary and unjust decisions being taken by totalitarian governments which maintain secrecy. I would go further than Lord Franks and say that the doctrine that the government must be open, that administration must be open, that the research, material and information to government must be open, really springs from the doctrine of universal suffrage.

It was said in the nineteenth century in Great Britain by one British commentator when the act of universal manhood suffrage was passed that we must educate our masters. The implication was that now that power was in the hands of the people, they must be educated about their responsibilities since they would be determining the course of the nation.

I am not sure I would use the word "educated" in mid-twentieth century. I would say it is an obligation that they be informed. If people are to vote, if they are to present to government their view of what should be done, it must be on the basis of the knowledge of alternatives open to government, the information on which decisions are taken. Without full information on the basis of decision making, it will be difficult for them to exercise intelligently the vote, the responsibility and the power which the franchise gives to them.

The government therefore recognizes the need for open government. It not only agrees and accepts that it should be the case, but urges that that principle should be the basis of its administrative practices. It accepts, urges, and indeed in the green paper which I presented to the House on access to public documents accepted as a basic principle that the information and the material which is in the hands of government should be available to the public.

The green paper which I presented to the House embarked on the process of finding the most effective ways of making that principle a living reality within the Government of Canada and its administrative dependencies. The paper was presented to the House for the very real purpose of stimulating discussion and providing the basis for debate.

I think that most if not all members of the House recognize that there are certain areas of public documents which it would not necessarily be in the public interest to reveal. A moment ago the hon. member for Windsor-Walkerville cited a paragraph from the Franks report. I think he had a careful eye upon you, Mr. Speaker, at the time. He felt that he should close his quotation from that report because he saw you ready to stand before he had quite arrived at the end of it. Perhaps I could read the paragraph. Lord Franks was describing the