

Public Information

information it asks for, unless the information comes within certain prescribed exceptions. This is a practice which generally obtains in Sweden.

The Prime Minister of Sweden was here not long ago and I had the pleasure of meeting and talking with him at a reception. I was amazed to hear him say that a few days before leaving Sweden, three newsmen had been in his office and had secured some files from his filing cabinet and were in the process of examining them. Obviously, there must be exceptions to a rule which says that the public, parliament and the press are entitled to full divulgence of any information that is requested. The Prime Minister of Sweden told me that is the case in his country. In Sweden, and I believe one or two other countries, they adopted the principle that you start on the basis that anything in the possession of the government belongs to the public. There are certain exceptions, and these are spelled out. That is what I am attempting to do in my bill: the exceptions are in clause 4. Without breaching the rules, I might touch on them.

Obviously, anything touching upon or concerning national security should not be divulged. Where there is an investigation going on with regard to criminal offences, obviously such information should not be divulged. Private and confidential information that is given, such as in the case of income tax documents, ought not to be divulged. I think that where information on record is so trivial that the cost to provide or to make the record available is not in the public interest, that information should not be divulged.

There must be certain exceptions. However, we must go a lot further than the United States. The United States has an act which is virtually useless and is very rarely used. It does not cover many subject matters and it is easy to escape its provisions. If this House decides to proceed with some form of bill on the right of the public to receive information, it should not be a bill comparable to that of the United States.

My bill provides that it not be left to the government to make the final decision whether a subject matter or information comes within areas which are excepted. In my opinion, that would give too much leverage to the government. Should there be a legitimate contest between the public and a government department or agency as to whether the subject matter is, or is not, within the excepted classes, this must be decided by the courts. In other words, I am not prepared to trust any government. I am not prepared to trust a Liberal government, a Conservative government and, particularly, an NDP government—

Some hon. Members: Hear, hear!

Mr. Baldwin:—which would reserve unto itself the right to say that a certain part of the information which it has available should not be disclosed because it comes within the exceptions. We should devise a method whereby a judge or a court has the final say, with proper precautions such as holding sittings in camera, so that if matters of national security are involved they are not disclosed. This subject has been debated in the House on many occasions.

I see that the hon. member for Winnipeg North Centre (Mr. Knowles) is involved in a very serious and earnest

[Mr. Baldwin.]

discussion. I do not want to disturb him at this moment. However, I notice that in 1973—

Mr. Knowles (Winnipeg North Centre): Are you afraid that we are swapping jobs?

Mr. Baldwin: The hon. member says he is swapping jobs with the government House leader.

Mr. Sharp: He wants the extra money.

Mr. Baldwin: I would like to take a very, very close look to see who would be the loser in that proposition. On March 15, 1973, the hon. member for Winnipeg North Centre engaged in a debate on a motion following the refusal of the government to supply certain information. It was a very interesting debate. From what the hon. member for Winnipeg North Centre said then, he must be on my side in this case.

I conclude with two points. If this bill is referred to committee, I hope the committee will be ingenious enough to look at the Official Secrets Act. That act goes back at least to World War I. It is very much in need of revision. The act provides for penalties in respect of certain offences alleged which, in my opinion, are so far out of date that this House must look at them. In the United Kingdom, the government set up a commission headed by the distinguished jurist, Lord Franks, to look at this issue and come up with some very substantial amendments. There was a case during the Nigerian civil war when some prominent people in the United Kingdom went to Nigeria and divulged some information. When they returned to the United Kingdom, they were charged under the Official Secrets Act. This precipitated quite a hubbub in the United Kingdom.

● (1710)

Therefore, I suggest that if a committee is to be charged with examining the subject matter, it should be ingenious enough to look at the Official Secrets Act as well. I suggest that we should take our time, that we call on the Canadian Bar Association, the Consumers' Association, the Civil Liberties Association and all groups which have an interest in ensuring that some means be found to compel governments to make it impossible for information to be kept secret, as was done today, bearing in mind that there can be no good government in the absence of an informed public and that increasingly, as governments become more complex and more gigantic in scope, new ways are found of concealing facts which should be available to the public. After all, it is the public which pays for this information through its tax money, and subject to very limited exceptions this information should not be refused to the public.

Looking south across the border, in the last two or three years we have seen a government and an executive in Washington in a distressing situation. There can, surely, be no more graphic illustration of the necessity for making information openly available, which means there ought to be no hesitation about adopting a measure intended to compel government to disclose to parliament, to the press and to the public, facts in its possession.