ment, even though these were security reasons. A certain procedure by way of review was vested at that time, I think in the hands of county and district court judges. As I say, this was in wartime.

I do not believe there is any good reason why at this time people should be denied the right to citizenship in this country when very often the right is not of any great practical value but is of immense emotional importance to the people concerned. I do not think citizenship should be denied without any right of appeal. I point out that clause 21 does not deal adequately with that matter, and it is one which must be dealt with.

Mr. Speaker, like the hon. member who preceded me and spoke for the Progressive Conservative Party, I express my reservations, indeed more than reservations, in regard to clause 41(2) of the bill. This clause deals with the important question of secrecy and the disclosure of documents when it is alleged that disclosure is not in the public interest. I think that clause 41(1) satisfactorily and adequately sets out the law as I understand it to be at the present time. It gives the court the ultimate right to inspect documents and decide whether the public interest is more strongly on the side of disclosure or non-disclosure, and I suggest that is where the responsibility should be.

Mr. Turner (Ottawa-Carleton): Mr. Speaker, I wonder whether the hon. member would permit a question which might allow me to clarify a point made by him and the hon. member for Halifax-East Hants (Mr. McCleave). Is he aware that the section he has recited really reverses the present state of the law as determined by the House of Lords case of *Duncan v. Cammell, Laird* which is followed in Canada, namely, that a minister's certificate to the effect that it would not be in the public interest to publish a document will govern and take precedence over a judge's discretion? We reverse this and allow the judge to go behind any certificate, except as subclause 2 says where publication would be injurious to our national security, international relations, federal-provincial relations or would disclose a confidence of the Privy Council. But, in general, we are reversing the whole state of the law and making the production of documents at the discretion of a judge.

Mr. Brewin: I am afraid the minister's intervention illustrates the difficulty which always arises when two lawyers get into a legal discussion, because I have never believed, and do not believe that the decision in the *Duncan v. Cammell, Laird* case, which has been severely criticized judicially in many different courts, sets out the law of this country. If it did, I believe the minister would be perfectly right. But starting from a different premise to him, I believe that the proper law is as set out in subclause 1, and I do not think it makes any difference. I have said I commend subclause 1, but I do not commend subclause 2 which gives an absolute right to a minister of the Crown by affidavit to prevent the discovery of documents, not only on the vague and general grounds of it being injurious to international relations, national defence or security, or to federal-provincial relations—

Mr. Knowles (Winnipeg North Centre): That happens every day.

Mr. Brewin: I don't know what would be injurious to federal-provincial relations, but if the minister's *ipse dixit*, his say so, is to prevail on this question, I feel the opportunities for maintaining secrecy will be carried on. What is wrong with letting the courts, as provided in subclause 1, look at the thing themselves? Surely we can trust the judges that the minister will appoint to the new federal court. Surely we can trust that they will exercise sound discretion. But if this provision preserves an absolute right, it may very well be abused. It has been abused sufficiently in the past to make it justifiable for us to think that it probably will be abused in the future.

If I had time I could cite to the minister case after case of judicial decisions, both in England and in other jurisdictions, where they have spoken about the tendency of the official mind to put a cloak of secrecy around some of their own proceedings when it would be far better, in the public interest, that these things be disclosed. I suggest we can properly leave that question to the courts and that subclause 2 should be deleted from this bill.

There is one matter in which I have been particularly interested. It has to do with the Immigration Appeal Board. Now that the appeal does not lie with the Supreme Court of Canada—it lies with a different tribunal—I would have hoped that the same provision which exists in clause 31 with respect to appeals to the Supreme Court of Canada might be introduced into the new section 23 which is in the schedule, and that that provision would give a right of appeal where the