

Whistleblowers

leaking such information to the media. When such information is leaked, but not substantiated, or involves a philosophical difference, it can do irreparable harm not only to the plans of the Government but to the well intentioned work of many others who work alongside that individual.

I believe that there are cases of wrongdoing that should be brought to the attention of the Government and the public, but there ought to be a method for dealing with it.

I do not support the solution that has been offered by the Member who presented this motion. I presume he is attempting to anticipate what the Minister of Justice (Mr. Hnatyshyn) may be preparing. I know that the Canadian Law Reform Commission is bringing forward its second volume of the new draft to the Criminal Code and perhaps the Member is anticipating something that will appear there. I hope he takes the advice of some private Members and perhaps redrafts his motion or encourages the Government to include a suggestion such as an arbiter or the suggestion by the Member for Ottawa—Vanier for an ombudsman so that public servants can deal with these difficulties.

Mrs. Mary Collins (Capilano): Mr. Speaker, I am pleased to be able to participate in the debate on this motion. It is interesting to note that it is the second time this week during Private Members' hour that we have been debating a motion dealing with the issue of whistleblowers. Earlier this week we debated a motion put forward by a Member on this side of the House who sought to amend a number of pieces of legislation to give protection to whistleblowers.

Today we are debating a motion by a member of the Opposition who is suggesting that we amend the Criminal Code to protect the public officials who, acting to promote the public interest, disclose government wrongdoing or misinformation, to protect them from harassment, persecution and prosecution by the Government or its agents. I understand that another motion dealing with this issue was tabled today. Obviously, this is not a partisan issue, but one that concerns Members on all sides of the House.

It is a new issue as far as I am concerned and has not been brought to my attention by constituents or public servants. I read the debate from earlier this week and listened to the debate today. I hoped there might have been some definition of the problem because I honestly do not know either qualitatively or quantitatively what the problem is. I find it to be a rather theoretical discussion since there has only been mention of an English case and one case in the Public Service of Canada. I doubt that one makes major amendments to legislation in order to deal with one case and I am interested to learn whether this is a serious problem or one dealing with just one or two instances.

It has been mentioned that Members of the Opposition often receive plain brown envelopes containing information that I presume we hear about during Question Period. It is a great source of research and information for members of the Opposition and one might suspect that those Members might

anticipate receiving an increasing flood of those envelopes if this protection were provided to whistleblowers and further their attempts to discredit the Government. However, I am sure that my hon. colleagues would not be so ill intentioned.

As a Member of the Government I have never had the opportunity to receive such an envelope referred to by my colleagues. I have some serious reservations about whether we should give such *carte blanche* protection, particularly through the criminal system. The motion states in part: "public officials who, acting to promote the public interest". That is a very broad definition. We in the Government may have one perception of public interest which may be very different from that of my colleagues opposite. Public Servants may have a very different perception of public interest.

Who would decide whether the particular information brought forward was in the public interest? As we all know, once the information is out, the damage is done. We could go through a process later in dealing with it but whatever information comes out later is usually on the last pages of the newspaper. Therefore, I think there have to be some important deterrents to public servants to ensure that they act responsibly. I think, in the main, 99 per cent of public servants act responsibly, but from time to time there may be those who might be enticed to think that if they could leak some information, whether from personal vexatious interests or their own perception of public interest, and if they could do it with immunity, they might be led to do so. However, we have to look at the legislation now in place. The Official Secrets Act was brought in for very good and valid reasons. Public servants swear an oath of secrecy. I would not want to do away with that *carte blanche* as I fear these motions would do, with the only rationale being "the public interest".

● (1750)

On the other side, we have the Freedom of Information legislation. I had the opportunity last year to take part in some of the deliberations of the Standing Committee on Justice and Solicitor General. We were looking at that particular piece of legislation which provides, quite honestly, at this point, almost all information to be accessible to the public. Sometimes I think from our point of view, almost too much. However, philosophically I believe it is right.

The only things not available under the Freedom of Information Act would be cabinet documents, in some instances leading up to the policy-making process and in some instances relating to national security or our relations with foreign powers. Most information is available if people take the time to put it all together. I am not sure that there is a big problem we are trying to address in this particular instance.

I thought it was quite ironic that one of my colleagues opposite earlier on suggested that the United States had this kind of protection, so why not Canada? All week we have been debating a Bill with respect to the imposition of an export tax on softwood lumber and my colleagues opposite have been berating the United States, saying how terrible it all is.