

*Science Council*

to the Prime Minister (Mr. Walker) stated that the letter in question, the production of which is requested, related to internal communications of the government and it was not in the public interest that it be released. He also mentioned that, according to the long established practice of this House, all such documents are privileged. I therefore wish to place before the House at this time arguments opposing the contention that cabinet or the Prime Minister be required to divulge reports and documents which are considered to be privileged.

Now that there is much talk of participatory democracy and of citizens sharing in the making of decisions; some argue that all reports and documents pertaining to policy decisions should be published. May I quote very briefly what Donald C. Rowat, Professor of Political Science, has to say. He contends that:

Any large measure of governmental secrecy is incompatible with democracy. This is true for two reasons. First, it leads to distrust and fear on the part of the public. Yet the decisions at the very apex of our political systems are made secretly in cabinets and party caucuses. Hence, much of the political process is hidden from the people, and they can hardly be blamed if they imagine the worst.

Second, the people cannot control their government without knowledge. Yet the means available to the opposition parties and the public generally to obtain information about administrative activities are usually woefully inadequate.

Also, the research papers of the Task Force on Government Information point out as follows:

• (5:00 p.m.)

Democracy should be seen to be working; participation is most likely to occur in a society where the citizen feels there is no barrier between himself and the administrative machinery of his government. In Canada, there are a number of such barriers.

Canada has inherited some cherished traditions of parliamentary democracy and, along with them, the tradition of administrative secrecy.

The press, the public, opposition political parties, and even government backbenchers frequently find that they have only the most inadequate means for getting information about the administrative activities of the government. Without adequate knowledge of what is going on, parliament and the public cannot hope to call the government to account; and the administration's monopoly of information ensures that many MPs are unable to offer informed criticism.

This paper adduces reasons for the necessity of government secrecy and reticence. It outlines arguments against the publication of all reports and documents bearing on cabinet

[Mr. Forest.]

or other high-level decisions on policy matters. There would seem to be no objection to publishing documents reporting facts and statistics. It is taken for granted that whatever the merits of arguments for or against publication, certain documents having to do with state security, foreign policy, crime investigation and confidential economic matters should not be divulged. The same caveat applies to reports involving the right to privacy where there is no overriding public interest.

In the Canadian tradition, the civil servant is anonymous and ministers take responsibility for their decisions, defending them in Parliament. E. C. S. Wade and G. Godfrey Phillips comment in "Constitutional Law":

While collective responsibility ensures that the King's government presents a united front to parliament, individual responsibility in its political meaning ensures that for every act or neglect of his department a minister must answer. Hence, the rule of anonymity in the civil service is important. For what an un-named official does, or does not do, his minister alone must answer in parliament and the official, who cannot be heard in his own defence, is therefore protected from attack.

This positive liability of a minister is essential to the performance by parliament, and more particularly by the House of Commons, of its role of critic of the executive. No minister can shield himself by blaming his officials. It would be new and dangerous constitutional doctrine if Ministers of the Crown could excuse the failure of their policies by turning upon the experts whose advice they have taken or upon the agents whom they have employed. Nor can a minister throw responsibility on a ministerial colleague, once it is established that the matter under consideration is the responsibility of his own department.

Any change which radically altered this system would tend to endanger the cabinet's right to the fullest possible discussion of all aspects of a topic before decisions were made. If ministers knew that Parliament or the public would be able to attack views or advice put forward in policy discussions, the safeguard of ministerial responsibility might well be less effective. There is a distinction between expecting a minister to defend a decision and expecting him to agree with every stand taken by officials.

To publish complete information on all reports and documents laid before cabinet or used by departmental ministers in setting policy might well bring valid differences of opinion in the cabinet out into the open. It might also have the effect of increasing the already enormous power of the prime minister in that he might be tempted to use certain ministers as scapegoats for the failure of a policy.