

*Official Secrets Act*

Peace River, because he is chairman of the committee which is looking at the question of freedom of information based on the green paper. I believe he is also a member on the Special Committee on Rights and Immunities of Members which is even more directly looking at the question of official secrets. I suggest that it is incumbent on the members of those committees to put before the House and the country with the greatest possible speed their conclusions on these matters.

The Standing Committee on Regulations and other Statutory Instruments has had this reference before it at least since December. I know that one of the most important aspects of their report will be the consideration of what to do about the Official Secrets Act. I hope they will soon be able to make a report which will recommend to the government where we should go from here.

I would go so far as to suggest to the Secretary of State (Mr. Roberts) that if the committee does not produce that report in the near future he should no longer wait for it, the matter being of such importance. He should present his own proposals and perhaps later this afternoon he will give us some indication of what those proposals might be.

My time is almost up, Mr. Speaker. I would just like to conclude with a quotation from the Franks report which I believe puts the problem in the kind of context it seriously deserves, which I regret to say this motion does not do.

On page 12 of the Franks report appears the following statement:

A totalitarian government finds it easy to maintain secrecy. It does not come into the open until it chooses to declare its settled intentions and demand support for them. A democratic government, however, though it must compete with these other types of organizations, has a task which is complicated by its obligations to the people. It needs the trust of the government. It cannot use the plea of secrecy to hide from the people its basic aims. On the contrary it must explain these aims: it must provide the justification for them and give the facts both for and against a selected course of action. Nor must such information be provided only at one level and through one means of communication. A government which pursues secret aims, or which operates in greater secrecy than the effective conduct of its proper functions requires or which turns information services into propaganda agencies, will lose the trust of the people. It will be countered by ill-informed and destructive criticism.

In those words, which I take to be of universal validity, I think there is a message for all of us—for the government, for the opposition and for the country. I hope that these words will be the inspiration for us in developing a new Official Secrets Act in this country.

**Some hon. Members:** Hear, hear!

**Mr. Bill Jarvis (Perth-Wilmot):** Mr. Speaker, I welcome the opportunity to participate briefly in this debate. To those who will speak later I would like them to know that I have to leave the chamber early to catch a flight and I intend them no disrespect, particularly the Secretary of State (Mr. Roberts). I look forward to reading the transcript of his remarks with interest.

I deem it a pleasure to follow my distinguished colleague, the hon. member for Windsor-Walkerville (Mr. MacGuigan). I serve on the committee of which he is the distinguished and

[Mr. MacGuigan.]

highly regarded chairman. His remarks today reminded me of nothing so much as a sandwich; the two slices of bread containing the opening and closing remarks were rather green and mouldy, but the meat in the middle was a credit to the hon. member. This was particularly so when he refuted the suggestion of the Minister of Transport (Mr. Lang) that we rate the Official Secrets Act by the number of charges laid under it. If one were to take that philosophy to its conclusion, it would mean the fewer the charges, the better the legislation. The Minister of Transport would continue to defend, as he did when he was minister of justice, that important provision in the Criminal Code dealing with the abduction of a female passenger by the master of a vessel. Likel no provision of greater import adopting that philosophy exists in the Criminal Code.

On a serious note, Mr. Speaker, one would hope that the provisions in the Criminal Code with regard to treason would not be judged on the number of charges laid under that particular section, and no one in this chamber would suggest that they be removed, but it was such a specious argument that I had to make mention of it. What troubles me the more is, if I understood the Minister of Transport correctly, that he opened his remarks by saying this law deserves attention and in fact is receiving attention now, the suggestion being there is proposed legislation of some kind. Because it would be a waste of time for the Minister of Transport to examine this situation of the Official Secrets Act in the abstract, to use his words.

● (1512)

What shallow hypocrisy is this when at this very moment this important subject is before the justice committee? In that committee we are debating matters pertaining to the invasion of privacy, of written communications, Bill C-26, to which the Official Secrets Act is applicable. Indeed, a year ago we went through the same exercise when we were dealing with the interception of oral communications by means of electronic surveillance. If, as the Minister of Transport says, the law deserves attention and is receiving attention now, why on earth in June of 1978 is the justice committee occupying itself with a study directly involving the application of the Official Secrets Act, particularly when a third situation is going on simultaneously? I refer to the McDonald royal commission. That absolutely astounds me.

No case has been made out for Bill C-26 as yet; it may be done in the days to follow. But for the Minister of Transport, a former minister of justice, to come into the House and say that this law deserves attention and is receiving attention now, while both the McDonald commission and the Standing Committee on Justice and Legal Affairs is preoccupied with the matter, is simply a demonstration of hypocrisy which brings no honour or integrity to this chamber or to the government.

Mr. Speaker, the Minister of Transport accused my hon. friend from Peace River (Mr. Baldwin) of bringing confusion into this area in challenging the independence of the courts, a charge which I feel I must reject out of hand, sir. The minister said the courts should have discretion. I do not believe that