

*Government Administration*

is far superior to the one suggested in the bill.

In arguing against the bill I suggest that if official files are opened to the public scrutiny too much administrative caution will result, which will seriously inhibit the effective functioning of civil servants. No one likes to work with someone leaning over his shoulder reading what he is writing. There is such a thing as freedom of thought, and the freedom to exchange ideas. We all know that civil servants, like businessmen and other responsible persons, try to plan schemes for the future and work out employment schedules; but they do not want to broadcast these ideas to the world. Government papers that are used in preparing legislation should not be the object of public scrutiny. If they are, I suggest you will have a frightened civil service and one that feels there is eavesdropping or spying going on right under their noses. Today we are concerned about eavesdropping and listening devices. I suggest that this type of legislation, if carried to the extreme, will inhibit the civil service and reduce its freedom to work in peace. It will also reduce freedom of thought and freedom of exchange of ideas in the civil service.

• (6:40 p.m.)

The rule of law is, in effect, that all persons are equal in the eyes of the law. Our office files are not scrutinized. Why should the files of the civil service be scrutinized? They are working on plans that might well get into the news media in the wrong context. Should the first thoughts about government legislation be bandied about on television, for example, prior to their being carefully considered by people who have been trained for many years to consider them? I suggest that would be a foolish course to adopt.

There are practical difficulties and dangers involved in a scheme that would provide wide-open access to files. I submit that it is difficult to distinguish between a witch-hunt in connection with a civil servant and a legitimate desire to obtain information. In addition, there would be administrative problems of fantastic complexity if this measure were put into effect. You would have to screen every document. You would have to say, "This is secret because it comes under the clause in the bill dealing with matters of national security." Then you would come to another paragraph and ask yourself, "Is this a matter of personal privacy, or one of a privileged or confidential nature?" The official himself would have difficulty deciding that

[Mr. Gibson.]

question, and you would toss into a big arena a very large distracting force at the civil service.

For these reasons, Mr. Speaker, I am solidly against this bill. We have heard of memoranda headed, "Destroy before reading." This practice would increase. You would have a furtive, secretive burning of letters. You would have inhibitions creeping into the civil service, and I suggest it is not desirable that this take place. We have been elected as members of parliament. Surely this house is the place to commence the seeking of access to documents. Surely, Mr. Speaker, if a member of parliament cannot get the information, there is something wrong with our society, with the way in which we are operating and with parliament itself as an institution. We are the ones to get the information. If constituents want information, why should they not get their member of parliament to obtain it?

In the short time I have been here I have found the research facilities of the libraries and the information officers of the departments extremely helpful. Perhaps they cannot give all the information one wants, but they seem to be acting in a spirit of constructive aid. They seem to want to communicate. The ministers seem to want to help, as do the opposition members. I found that with matters dealing with, say, the maritimes, hon. members have often been helpful in providing information. There is a spirit of real progress in this field. I submit it could emanate from this chamber right into the offices of ministers. This, in my view, is the best way to tackle this extremely interesting problem, one which has taxed many people for many years.

With regard to the reference to Mr. Bentham, I suggest that Mr. Bentham did not deal in an age of computerized telegrams and orders in council. He would have hesitated, in fact he would have refused to go along with a bill as sweeping as this one. If this measure were passed, it would be most impractical to make the Exchequer Court the forum for deciding these issues. I submit that any county court judge, supreme court judge or even our magistrates might well have sufficient training and experience to make the required rulings.

There are only 15 or 20 Exchequer Court judges, and I understand they are very busy with cases of various types. Unless we are prepared to pay an enormous sum of money to increase the number of judges handling litigation, we should not take the step suggested in this bill. We have the facilities in