

ing from public view or comment, cases involving certain sexual offences where the particular purpose of the exclusion was obviously the defence of reputation and innocence which might otherwise be damaged. In the same way, in cases involving delicate information in the hands of government, the state and its agencies, where the protection of the security of the state is at issue and where the secrecy of that information is important, it would seem obvious to me that some such matters cannot properly be talked about in court in open public view.

If there is secrecy attached to any document or any information, and even the hon. member for Peace River admits that in certain categories of information, then there may be cases where secrecy in court is required as well. In this particular case that followed exactly. Indeed, items of information involved here would appear to fall even within the hon. member's narrow category, that is to say, even he would have the official secrets law apply to certain types of information with which we may deal here.

I cannot say very much about the two cases referred to in the motion, of course. Indeed, all hon. members would require that these matters be sub judice and there ought not to be extensive analysis or reference to them as though the rights of the individuals were not important and as though the proceedings before the court were not the right and best way to test those rights.

In this particular motion, referring again to the Treu case, what was arranged in advance was the application for the hearings to be in camera, and the indication was that that request was being made because the documents which would be reviewed included a large number of NATO documents and testimony of witnesses concerning those documents. The obligation of the Government of Canada to protect the secrecy of that information was also cited. Information was to be discussed which was of a military and defence nature. For those reasons the request was made for in camera proceedings.

The accused was there before the court with his lawyer. The court invited the lawyer for the defence to make comment upon the request that the hearings be held in secret, and his reply, as recorded by counsel for the defence, was:

[Translation]

... as far as that request is concerned, I have no representation.

[English]

This is, therefore, hardly an occasion the beginnings or the continuation of which should lead to the high flown rhetoric of the hon. member for Peace River who referred to the Star Chamber, a situation where procedures for the defence, rights of appeal and all, were set aside at one difficult period in history a long time ago. In this country rights of defence counsel for the accused, rights of appeal, all stand and exist, and are very important indeed to us.

The Official Secrets Act is a necessary piece of legislation and exists in countries throughout the world where in every case there are certain matters which are of delicacy and

confidentiality and which need, for a variety of public purposes, to be protected.

We have here the results of that in the existence in Canada of a law, one which in its particular form has stood for a long time, one which troubles the hon. member opposite when he reaches his own legal conclusions about who may be offending against provisions of the act, who may have a different opinion than his, a different legal advice than he about those provisions. In some cases he may be sweeping in as illegalities things which are not illegal under the act. His carelessness in referring to secrecy and the Star Chamber, his carelessness in referring to the judge, weaken the allegations he is making in law. It shows a driving willingness to exploit the situation in a particular way rather than analysing it in a way which a committee of this House dealing with it later on would presumably do.

Very few cases have gone to court under the Official Secrets Act. Officials have provided me with a list of eight or so cases, including the two to which the hon. member's motion refers. Of the others, four dealt particularly with matters which resolved around the famous Gouzenko case. There were two others, one in 1962 which was dismissed, and one in 1967 where a conviction was obtained, and there are two current cases. That is all an indication of the fact that the act in its operation is designed to deal with certain important matters and is not necessarily as sweeping as the hon. member would seem to imply.

I should say that I take some umbrage on behalf of the Minister of Justice at the words in the motion which refer to the harassment of the Toronto *Sun* and its editor. I am not sure that the hon. member for Peace River has added anything to clarify where he finds the harassment. He referred to the matter as being the subject of a charge and a proceeding. I wonder if he is, indeed, suggesting that this is a reason for somehow calling it harassment. If he is, I think it is a completely erroneous statement to make, having regard to the careful traditions and procedures which were followed in this case by the Attorney General who himself cited the long standing traditions of care with regard to these matters.

● (1252)

Mr. Speaker, I think it is worth while my recalling for hon. members the words of the Minister of Justice when referring to the matter in this House shortly after the laying of the charges. At that time the minister described his concern and deliberation of the matter before reaching his conclusions as to where his duty lay. I refer to page 388 of *Hansard* for March 17, 1978. The Minister of Justice is quoted as saying:

In arriving at these I have been guided by recognized authorities such as Lord Shawcross, Edwards, Erskine, May and Bourinot, and more recently and very helpfully, my valuable discussions with Commonwealth attorneys general in Winnipeg last summer on the office of attorney general, and more particularly my personal conversations at that time with the Attorney General of England and Wales and the Lord Chancellor.

I am aware that, since the enactment of the Official Secrets Act, this would appear to have been the first occasion in Canada where consideration has to be given to the provisions of the Official Secrets Act and the right of a member of