

made more aware of problems and the activities of government will, no doubt, endeavour more often to contribute criticisms and suggestions. That will lead not only to a more responsive government but to a more effective government as well.

In conclusion may I make a comment about comparisons with other administrations, other countries with differing institutions. Most of these comparisons—

Mr. Baldwin: You are better than Russia, anyway.

Mr. Sharp: —are irrelevant to the problems we face here. We do not have the same system of government as in the United States, or as in Sweden. We do face special problems to do with the parliamentary form of government of this land.

An hon. Member: You mean, the Liberals?

Mr. Sharp: In this country there are special circumstances. I might say to my hon. friend who interrupted that the same principles were followed by the previous Conservative administration as are followed today. I am sure that when the Leader of the Opposition (Mr. Stanfield) was the premier of Nova Scotia he followed much the same principles as are being followed here. Therefore I suggest that the committee, in looking at solutions, should not be guided too much by the example of other countries but should, rather, seek original solutions suitable to Canada. I say, on behalf of the government, we hope the Committee is successful. The government is anxious to provide all the information which can possibly be provided.

Mr. Baldwin: Madam Speaker, may I ask the minister a question? Will the minister accept a question?

Mr. Sharp: Certainly.

Mr. Baldwin: Mr. Speaker, I wish to ask a question which the committee may find useful when it resumes its deliberations. I was going to ask him a question which I need no longer ask, namely, if he accepts all the principles in the motion, including the principle of the enactment of some type of freedom of information legislation. He and I might differ as to what is in it; I understood from his comments that he accepts the principle set out in the motion, that there should be some kind of legislation along those lines. If I am wrong the minister can correct me.

May I ask him a further question? He and I have discussed who should have the final decision, the government, or the court, on whether a document lies outside of documents which can be publicized. Without prejudice to my right to urge the committee, and later the House, to adopt the other end of the argument, namely, that the court should have the final decision, may I ask if the minister will give or has given favourable consideration to an alternative I put before him, at least for purposes of discussion, and it is this: If the government were to have the final decision as to whether a document falls within the excepted class, should not the tribunal at the very least have the right to publicize the fact that it made its decision and that the government saw fit, for its own reasons, not to comply with it?

Statutory Instruments

May I ask another question? Actually, I am asking a double-barrelled question—to give the minister a chance to consider the first part of it. I am raising the matter of working papers. I accept the view that, if a working paper contains informed opinion, it might not be necessary to make it public. But what is the position with regard to a working paper which is entirely statistical and/or factual, and does not contain opinions or recommendations? It seems to me that this is merely a matter of mechanics. It is possible for a civil servant to make a recommendation and attach it to a factual or statistical document, so that there is a plain difference between the two. Would that situation affect the hon. gentleman's approach to this issue as to what working papers, if any, could be publicized after the decision has been made?

Mr. Sharp: Madam Speaker, the first question the hon. member for Peace River (Mr. Baldwin) directed to me involves one of the most crucial issues we face. I expressed the opinion in my speech that the final decision as to disclosure of documents should be made by the government, so as to retain the principle of responsibility. I agree with this.

There could be a legitimate concern on the part of those who ask questions, or ask for the production of documents—and I am not referring only to this government; I am referring to any government—there could be a legitimate concern that the government may be withholding information for other reasons, information which may not be in the exempt categories. It may be put under that category for purposes of withholding information. I ought to stress that, when I say this, I am speaking personally; I am not speaking on behalf of the government. This is a question to which we have not addressed ourselves in Cabinet.

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I feel some sort of ombudsman or official might be given the responsibility of advising whether the document in question does in fact fall within a certain category. This opinion would be made public, and the government could then decide whether it wished to disclose or not. I think it would help those who are asking the questions to know whether in fact the government was justified in its attitude. If the answer from the official was, "Yes, there is information in the document which falls within the category", it would be one thing. But if he said, "There seems to be no information in the document falling within the category referred to", that would be quite another. That might be a direction in which we could move, but as I say it is a personal opinion.

On the question of the working papers I have thought a good deal about what the hon. member for Peace River has suggested and, frankly, I am skeptical. My own feeling is that what would be prepared, if that were the rule, would be documents intended for purposes of publication.

If it were known that documents which contained only factual material were the only documents which could be disclosed, a minister might well be inclined to say, "Prepare a document which contains only factual material and which can be published if necessary." I believe it is vital for good government that ministers should have access to the frank opinions of their advisers, and these will only be