

Abortion

out that since the motion has been tabled, the government has set up the Bagel committee which were instructed to investigate look into the application of section 251 of the Criminal Code in all provinces and report at an early date. The facts as reported by that committee will undoubtedly pave the way for a debate to throw more light on that important question, but the main issue on which we have to take a decision now concerns motion No. 15.

In this motion, the hon. member requests that all correspondence between the Ministers of Justice, the Attorneys General and the Ministers of Health of the provinces concerning the enforcement of Criminal Code section 251 be made public.

The question of the duplication of information by ministers of the Crown, as outlined by the hon. member for Chambly (Mr. Loiselle), has been discussed several times in recent years. In March 1973, the President of the Privy Council proposed a set of guidelines on that vast question and, as a matter of fact, the whole matter was discussed later on by a committee of the House whose responsibility was to study statutory instruments.

Now, the motion refers precisely to the correspondence between the federal government and the provinces, which obviously falls under section 4 of the guidelines which deals with the refusal to produce government papers, the release of which might be detrimental to federal-provincial relations.

Mr. Speaker, I am sure all hon. members are fully aware of the particularly complex and ticklish nature of federal-provincial relations. Obviously, in some cases, the prime objective of the government, namely to inform, must give way to other interests, of which the free and open exchange of communications between the federal and provincial governments. It cannot be denied that when information is intended for the people or public debate, its expression often takes a meaning or shading that differs from those that are important to the promotion and preservation of the elements of compromise and understanding, as well as open-mindedness, that are indispensable to a healthy balance in federal-provincial relations.

As pointed out by my hon. colleague for Chambly, Mr. Speaker, with all the perspicacity and intellectual sharpness he is known for, honesty and open-mindedness are truly indispensable requisites for good federal-provincial relations. It is always with an awareness of the difficulties which surround those conditions that we endeavour ceaselessly to give satisfaction to the people. The best way of doing this is not to disclose this kind of information we are talking about today at the risk of jeopardizing the good faith and mutual trust so valuable to ensure a lasting dialogue with the provinces.

On several occasions, Mr. Speaker, reference was made in this House to the Swedish system of information distribution. The fact is that it provides for exceptions, and rather important ones at that. Which proves that it is not as exhaustive as it looks. Perhaps it would be interesting to quote from or—considering the time limit in this debate—simply refer hon. members to the evidence given by Mr. Donald Rowat, professor at Carleton University, before the Standing Joint Committee on Regulations and Other Statutory Instruments.

[Mr. Fox.]

It might also be noted, Mr. Speaker, that in the United States under the Freedom of Information Act this kind of paper and information also comes under exceptions to the rules of disclosure.

In conclusion, Mr. Speaker, I would like to point out that for the Minister of Justice it is in the interest of hon. members as well as the public to disclose as much information as possible on government activity. But it is obvious that there must be reasonable limits to that rule—and, of course, “reasonable” is the operative word. Reasonable limits are those which allow the government to act with efficiency and in all security. Consequently, the exclusion of all intergovernmental correspondence of the type provided for in the motion is both a motivated and necessary exception. That is why, Mr. Speaker, I would ask the hon. member kindly to withdraw his motion.

● (1710)

[English]

Mr. Stuart Leggatt (New Westminster): Mr. Speaker, I might answer the last question first by saying I do not propose to withdraw the motion. Perhaps I should deal very briefly with the reasons.

The hon. member for Chambly (Mr. Loiselle) suggests that there is something the matter with the motivations of a member who brings forward a motion to release correspondence between the Minister of Justice and health ministers and attorneys general of the provinces. He says that this is an excuse to bring the subject of abortion into debate in this House. I categorically deny that.

There is every reason in the world why this government should not hide behind the cloak of confidentiality or the subterfuge of its affecting provincial-federal relations. There is every reason in the world why the public should know what the law is on this subject. In fact, right across this country the law is not being applied in a manner that is consistent. It is applied one way in one province and another way in another province. That is the reason I want to see what the Minister of Justice has been saying to his counterparts about this subject.

The hon. member for Chambly suggests that this is a back door way of getting a debate on abortion. Mr. Speaker, it is the government's responsibility to see that matters of national importance are debated in this House. That subject should have been debated fully in this House a long time ago. We would be a lot better off if it had been. We may then have seen some changes—maybe not changes that we would all like, because there are great differences of opinion on the subject. There seems to be a conspiracy of silence in this House not to talk about this question. It is long overdue that we should talk about it.

The other reason given by the parliamentary secretary is the effect on federal-provincial relations. In fact, the precedents are overwhelming of motions being agreed to and not withdrawn. I could go into a long list of matters where the correspondence has been released. It is past the time for this government to hide behind the cloak of secrecy and confidentiality. That includes the motion on CIDA that we are going to deal with after this one. Exactly the same principle applies. It is not giving the opposition the opportunity to do its job; this government continues to deny that right to opposition members.