

need to be considered in camera. There is no question about that. I must say, however, I find it pretty hard to accept that a whole trial has to take place in secret. That is asking me and other people to take a good deal on faith. I am not criticising the judge or the court. A court has to operate under the legislation of this country. The fact is that the trial did take place behind closed doors and, in terms of publicity at least, in a dark room. There is no suggestion in the sentence of any *mens rea* in this instance. It seems to be simply a matter of an allegation of improperly having information in one's possession and not taking proper measures to secure that information.

The judge said, as I understand it, that it was necessary to convict and sentence Treu in order to serve as an example to others.

I do not want even to try to put myself in the position of being an appellate court, and I assume there will be an appeal, but I have to say very simply that I find this kind of totally secret trial pretty hard to accept in our country, and I would require a good deal better case than that put by the Minister of Transport this morning to persuade me that it is necessary. I repeat, I am not criticising the judge; I am criticising the legislation under which the judge had to proceed.

With regard to the Toronto *Sun*, I am sure the Minister of Justice did the best he could to make the best decision in respect of the charge. Again I find it difficult to understand how a document which was alleged to have been put in the hands of some 50 odd people could be considered an official secret document of any great importance to the state. As far as I know it was never denied that these documents had wide distribution.

I notice that the *Sun* was prosecuted, but radio stations and others that broadcast effectively what the *Sun* had published were not prosecuted. I think the Minister of Justice is put in a pretty difficult position with this kind of legislation, and we ought to be able to do something to help him.

The Official Secrets Act is much too broad and much too sweeping, as has been agreed by the authoritative groups which have examined it. It is badly in need of overhauling. The minister did not dispute that it might be a good idea, as he said, to have a look at it. He also said that rather than the work being done by a committee it might be more appropriate if the minister examined the legislation and brought forward some proposals. He said it might be more appropriate to deal with specific concrete proposals brought forth by the minister rather than have a committee deal with this question in the abstract. All I want to say about that, Mr. Speaker, is that it is nearly ten years since the Royal Commission on Security condemned the Official Secrets Act and, in very unambiguous language, called for a review and a substantial overhaul of that legislation.

What reason have we to believe that the Minister of Justice is going to bring forth concrete proposals in respect of overhauling this legislation when the matter has been before him and his predecessors for nearly a decade? It shows something of the attitude of the minister and the government that he should bother to say that perhaps the proposals should come

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from the minister rather than the matter being considered by a committee. This reflects what seems to me to be the rather authoritarian attitude of this government.

It was said some ten years ago by a royal commission in Canada that this legislation needs to be overhauled, narrowed, and substantially changed. It was said more recently in Great Britain, by a prestigious committee, that their legislation, which is very substantially the same as ours, needed to be overhauled and changed.

We have had these developments in our own country, the Treu trial and the charges against the Toronto *Sun*, that have served to accentuate the need for a fresh and urgent look at this legislation. I cannot think of very much that would be more urgent for this parliament to do than to send this subject matter to a committee, and for that committee promptly to launch a thorough study and overhaul which would result in legislation we need for our security, but not legislation that permits itself to be abused.

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

**Mr. Mark MacGuigan (Windsor-Walkerville):** Mr. Speaker, I want to begin by commending the hon. member for Peace River (Mr. Baldwin) for enabling us to discuss this subject in the House today, and also on a much broader basis for the determined leadership he has given in the country and in the House, not only in respect of this subject but on the broader understanding of it, namely, freedom of information.

I say this, first of all because I think it is true, and it is incumbent upon us from time to time in the House to pay tribute to what members on the other side are doing. I say it secondly because I have to admit I am disappointed with his presentation on this occasion.

**An hon. Member:** Oh, oh!

**Mr. MacGuigan:** It is sad to say that to gentlemen in the opposition, but I had thought the hon. member for Peace River might have given us a different kind of presentation this morning.

I am disappointed first of all because of the insertion in the motion of the reference to the "harassment of the Toronto *Sun* and its editor, Peter Worthington", to quote from the words of the motion. I had thought of challenging that on a procedural ground. I must say I think it is highly improper to refer in that way to a case which has not yet come to trial. It is unfortunate that such a reference was put into a motion of this kind, the subject matter of which ought to be approached on a different kind of basis.

The complaint of the hon. member for Peace River has to do, as I understand it, with the Official Secrets Act as such, and it should not really be necessary, and indeed it is not even proper, to bring in a reference to a case under that act which is presently in progress.

Secondly, I am disappointed because of the inclusion in the reference of the conclusion, which he would thus determine in advance. I do find this disappointing, Mr. Speaker, because