

Privilege—Mr. Prud'homme

referred to two United Kingdom precedents and a complaint raised in 1983 by the Hon. Member for Yukon (Mr. Nielsen) relating to an incident which took place here in Canada. The cases referred to all concerned budget leaks. The U.K. cases were based on established facts. In one case, the Chancellor of the Exchequer acknowledged that he had committed an indiscretion and resigned. In the other, an investigation established that an impropriety had occurred and a Minister resigned in consequence. Incidentally, neither of these cases was dealt with by way of a question of privilege. In the Canadian case, Madam Speaker Sauve found that there was no basis for a question of privilege. Budget secrecy was a matter of convention and not a matter for the determination of the Chair.

To return to the case before us, the Chair must first determine what the facts are and, second, whether those facts constitute evidence of a prima facie case of privilege. The Hon. Member's case is based on certain comments made by a former President of the United States Pharmaceutical Manufacturers Association in the course of a television interview. The Hon. Member made it clear that he was not implying that the Minister of Consumer and Corporate Affairs (Mr. Andre) had revealed the contents of the Bill to the gentleman in question; and the Minister himself stated emphatically that while various consultations had taken place he had at no time been in contact with anyone in the United States. It therefore seems to the Chair that incontrovertible facts are lacking.

I must also make reference to the contribution of the Hon. Member for Windsor West (Mr. Gray) who suggested that under our new Standing Order 1, the Chair is no longer bound by established precedents relating to matters of privilege and that, to quote his own words, it is open to the Chair: "to extend the definition of privilege to new areas". It is important, though, that we do not confuse privilege with procedure. In matters of procedure, the new Standing Order 1 possibly enlarges the scope of the House in determining procedure in unprovided cases. The limits of privilege, though, are laid down by statute. It is not open to the Chair to extend the definition of privilege. This could only be done by legislation and would involve an amendment to the Constitution. I must therefore rule that no facts have been presented on which a prima facie case of privilege could be based.

I think it is appropriate for the Chair to remind all Hon. Members that these kinds of incidents do cause grave concern among Hon. Members and I believe it is a good reason why extra special care should be taken, especially by Ministers, to ensure that matters that ought properly to be brought to the House do not in any way get out in the public domain and cause concern to Hon. Members and often to Ministers as well.

I want to thank all Hon. Members who participated in the debate on both motions of the Hon. Member for Kamloops-Shuswap and I hope the comments that I made will be helpful to all Hon. Members. I thank them.

[Translation]

DEBATES "BLUES"—RULING BY MR. SPEAKER

Mr. Speaker: I said yesterday that I also had prepared a ruling in response to the motion of the Hon. Member for Saint-Denis (Mr. Prud'homme).

[English]

On November 6, during a discussion on a point of order relating to petitions, the Hon. Member for Saint-Denis (Mr. Prud'homme) drew to the attention of the Chair that the Parliamentary Secretary to the Deputy Prime Minister and President of the Privy Council (Mr. Lewis) was apparently quoting from the "blues". The Hon. Member for Saint-Denis reminded the House of the long established practice that the "blues" are not to be quoted in debate and that the only official report, the House of Commons Debates or *Hansard*, can be quoted.

[Translation]

The Parliamentary Secretary pointed out that thanks to television and modern technology, we can now play back a speech or comment, have it transcribed and use it in debate later on the same day.

The Chair is pleased to inform the Hon. Member for Saint-Denis that our customary practice was observed by *Hansard*; the blues of the Hon. Member for Windsor—Walkerville (Mr. McCurdy) or the Hon. Member for Winnipeg North Centre (Mr. Keeper) were not provided by *Hansard* to the Parliamentary Secretary or to any other Member. In fact, as we can read at page 1149 of *Hansard* of November 6, during the discussion in the House, the Parliamentary Secretary did not say that he was quoting from the blues.

[English]

In reviewing this matter, the most recent statement by the Speaker on the use of the "blues" in debate that can be found dates back to December 2, 1976, and that is just before the advent of television in the House of Commons. Speaker Jerome reaffirmed the practice that "blues" should not be quoted in debate. The logic for not using the "blues" in debate is obvious. The "blues" are the reporters' notes and often are edited to become the official report. It would not be reasonable to admit into debate galley proofs that tomorrow may indeed be different in their final form. As your Speaker, I feel bound by this practice and will continue to remind Hon. Members to refrain from quoting from anything but the official report of the House.

This ruling, however, leaves the House in a difficult position: it is possible for Members to obtain electronically what was said the same day and to use quotes from the electronic medium in debate without identifying them as part of the official report. The dilemma for the House is the following: is the Chair enforcing a practice that has become technologically outdated? By enforcing an outdated practice is the Chair encouraging Members to do indirectly what they are not supposed to do directly? Furthermore, the average Canadian