

Those are not my words, those are the words of the present Minister of Justice who made a very learned contribution to that question of privilege when it was raised in December 1979. This has not happened here, but what disposed of the question raised on that occasion was the then Minister of Finance rising in his place and saying these words, and I quote from page 2285:

But just let me say on a factual basis that there has been no budget leak. There was certainly no budget leak for which I am responsible. There was no budget leak from the Department of Finance. There was no leak, period.

That is the crux of the matter and that is what Mr. Speaker Jerome then hung his hat on when he decided that question.

The hon. member for Kenora-Rainy River, who is still in the House, made a contribution to that question of privilege as well, and I will just quote one passage from his contribution. He said, as reported at page 2286:

I think we could have an argument as to whether in point of fact budgetary leaks did take place as alleged by the hon. member for Saint-Maurice, but that would be the job of the standing committee to decide.

That particular member, who has been here and served in a very distinguished capacity for many years in the cabinet and outside, but particularly on the Standing Committee on Privileges and Elections and on the committee on rules and procedures, went on to say:

● (1550)

What is important is the fact that the hon. member for Saint-Maurice has brought forward some evidence—

Precisely the phrase that describes what a prima facie case is.

—to indicate that, indeed, a great deal about the budget was well known before the budget was presented to the House of Commons.

These words may be coming back to haunt members such as the member for Kenora-Rainy River and the now Minister of Justice. But I agree with them. They were accurate and they were correct, that budget secrecy is not only a mere convention, it is a constitutional practice, as was so correctly described by the Minister of Justice when he was here. The nature of a prima facie case was so accurately described, the requirements thereof and the criteria thereof, by the member for Kenora-Rainy River.

I do not intend to quote at length from the next and last precedent I wish to cite for the consideration of the Chair. It is a parliamentary paper prepared for the House of Commons Standing Committee on Privileges and Elections in 1975. It provides background information on government secrecy, financial measures and parliamentary secretaries. It is the financial measures portion of the paper to which I wish to refer the Chair, and it is dated August 8, 1975. In reading that paper, Madam Speaker, you will find it clearly indicates that indeed it is a constitutional practice, that there are sound reasons for budgetary secrecy. It goes a long way toward answering the question which the Chair put to the hon. member for Hamilton Mountain (Mr. Deans). The paper says:

The reason for such secrecy is obvious: advance knowledge of fiscal measures could result in financial speculation and the loss of revenue to the government

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treasury. Illicit profits could be made by those persons with prior knowledge who are not bound by moral or other controls. Today, the budget is not delivered until the stock markets have closed across the country.

The committee cites a book by an ex-minister of finance, Mitchell Sharp, now chairman of the Northern Pipeline agency, where he said:

Up until 1941, the Canadian practice was to present the budget in the afternoon.

He goes on to say why it is not now presented until after the markets have closed. That paper is important in considering what decision the Chair has to come to here.

I submit that in essence, Madam Speaker, the Chair has before it a case of privilege. Why? To cite the Minister of Justice, "the responsibility owed by the government to the House with respect to maintaining secrecy in budget matters . . ." Those are his words, not mine, that the government owes that responsibility to the House, and hence its members. Those last words are mine, parenthetically. The House is the sum total of us all. Therefore, it is a matter of privilege.

My second point is that there is sufficient evidence before the Chair to constitute a prima facie case. In the words of precedents cited to the Chair in rulings laid down by Mr. Speaker Jerome and his predecessors, "All that is required is some evidence." Well, certainly there is that degree of material before the Chair as to constitute "some evidence," thereby constituting a prima facie case. The next step, therefore, having regard to the specific nature of the motion, is only to decide whether it is sufficiently specific. That is a decision the Chair will have to make, in my respectful submission.

I have twice pointed out three specific allegations that are present in that motion, and certainly it cannot be regarded as general. That element is met in the necessary criteria. The next step, may it please the Chair, is for the House to find now that there is a prima facie case and then to put the motion. The government is free to do what it wants with the motion. If it wants to vote it down, that is fine, and it will probably do that and shorten the whole process. But in my respectful submission there is sufficient evidence for the Chair to put that motion to the House because it is only the House which can decide, with great respect to the Chair, whether or not there has been a breach of privilege.

Again, the Chair does not have to go nearly that far. All the Chair has to do is to find that there is some evidence which justifies the presentation of the motion to the House.

I regret having taken so long, but I thought these matters should be thoroughly exposed because of the important nature of the submission of the hon. member for St. John's East.

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

**Madam Speaker:** I thank all hon. members who have tried to enlighten me in deciding on this particular case. It is obvious from the numerous interventions we have had that it is a matter of very great importance to the members sitting in the House.