

The Treasury Board of Canada is a committee of cabinet, consisting of the President of the Treasury Board, the Minister of Finance and four other cabinet ministers appointed from time to time by the Governor in Council. The responsibilities of the Treasury Board, which have been delegated to it by the Privy Council, are set out in the Financial Administration Act. To discharge them, the Treasury Board relies on two administrative bodies: the Treasury Board Secretariat and the Office of the Comptroller General.

This document, Madam Speaker, goes on to describe how they function within those parameters. They point out that the Treasury Board was created by the Second Order in Council in Canada on July 2, 1867, and that the Treasury Board secretariat was part, initially, of the Department of Finance. It was part of the Department of Finance until 1966, when it became a separate department through the Government Organization Act.

Madam Speaker: Order, please. The hon. member should stop to recognize that he is debating just as though there was a motion before the House. I would like him, in the interest of the affairs of the House, to keep to the point of demonstrating the privilege. I do plead with him to do that. We have been quite a while on this question of privilege now, and I have no intention of hearing him for a long time unless he keeps to the point that is useful to me, as Speaker of the House, so that I can rule on this question of privilege.

An hon. Member: Do you understand?

Mr. Stevens: Madam Speaker, I thank you. If, in effect, you are ready to rule that you think there is a prima facie case, of course we have made our case and I do not have to continue any further with what, I think, is very substantive evidence to show that, judging from the precedents we have been able to review, there is a very clear contempt of Parliament in what happened as a result of yesterday's actions of the President of the Treasury Board.

Without reading into the record specific references, I would refer you to the seminar on the budgetary process held in Ottawa on Friday, November 18, 1977. There they have an Annex "A" that goes through the importance of this whole question to which I have been referring. It goes on for several pages that I think will give you a great deal of assistance concerning what is the United Kingdom experience and experiences in various other jurisdictions.

Our position is that not only was there the publication of these estimates, as I have said, but essentially many newspapers dealt with this matter. I have there the *The Toronto Star* that had the information from a separate source; they did not use the Canadian Press. Bob Hepburn, of the *The Toronto Star*, filed his own story. Madam Speaker, we have been given to understand that many papers across the country literally filed these kinds of stories at a time when this House did not have their rightful first-possession of the estimates, as they should have been tabled in the House prior to the minister disclosing the information to the public.

Let me touch specifically on that, Madam Speaker. There is some question as to what is "publishing". The dictionary says that to publish is to make generally known; to make known to

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a third party; to announce formally; to promulgate. That is exactly what the President of the Treasury Board did yesterday. Going back to one of the initial references that I put on the record, what the President of the Treasury Board failed to do was to guard the secret information that was in his possession.

As ministerial responsibility is ingrained in our system, when there is such a breach, the minister must accept the responsibility, he must resign and there must be a reference, I suggest, to the appropriate committee to find out if, indeed, our prima facie case is established that there has been, in truth, a contempt of this Parliament. Thank you, Madam Speaker.

Some hon. Members: Hear, hear!

Hon. Ray Hnatyshyn (Saskatoon West): Madam Speaker, I want to spend a very few moments on this question of privilege to add to Your Honour's ammunition in this respect. My comments are based upon whether or not the privileges of myself, yourself and any member of this House of Commons have, in fact, been breached. I think that is a germane direction to give us and I think it is a very important consideration for us in terms of your consideration.

I hope to demonstrate, by dealing very specifically for a short period of time, that indeed what we have today is a very serious prima facie breach of the privileges of members of the House of Commons and a matter that should be accepted by you on that basis for reference, full deliberation and full discussion and investigation by the Standing Committee on Privileges and Elections.

Perhaps I could put it in a little different way, Madam Speaker. I think my colleague, the hon. member for York-Peel (Mr. Stevens), has made reference to the fact that there has been publication of this information prior to the time when the matter has been formally brought to the attention of the House of Commons. In essence, what has transpired—and I do not wish to dwell on the facts of the situation, but I have to do so to the extent of making my point—is that we in the House of Commons as yet have not received the formal estimates approved by cabinet; so we are not, in effect, on notice. We have no formal or official notice of what exactly is contained in those estimates.

The fact of the matter is that there has been—and this is acknowledged by the President of the Treasury Board—publication of the estimates in newspapers across the country, including the *Toronto Globe and Mail* this morning, and the *The Toronto Star*, to which reference was made by my colleague the hon. member for York-Peel. There has been publication through wire services, and although the caution was put on the wire services' copy to guard against premature release, the fact of the matter is that there was, in fact, publication at law. If you examine the legal precedents with respect to the definition of "publication", you will find that publication involves the conveying of information, not in a general sense of newspaper publications but to any other third party, as my colleague from York-Peel has pointed out. What