

*Privilege—Mr. Wagner*

I see the hon. member for New Westminster (Mr. Leggatt) is seeking the floor.

**Mr. Stuart Leggatt (New Westminster):** Mr. Speaker, I will be quite brief. One of the things which prompted me to rise was your mention that it was the British practice that should be looked at most carefully. I should like Your Honour to take a further look at our own Standing Orders in relation to the publication of confidential documents. It would seem to me that the Canadian practice, not merely the British practice, needs to be followed.

I believe it is vital to the rights of members of parliament that confidential documents which are lying in this place or around this place should be treated by the press as matters of confidence, and if the press fails to do so it seems to me some action should be taken against them. When documents are marked "Confidential" they should be kept confidential, because the privilege of coming into this place is a special one which we grant as members of parliament. I am, therefore, asking Your Honour to accept the lucid and eloquent argument put forward by the hon. member for Vancouver-Kingsway (Mrs. Holt) that in the case of a prima facie breach of privilege only a standing committee of the House can determine the true cause and protect the confidentiality of documents which all of us have around this place.

● (1510)

**Mr. Walter Baker (Grenville-Carleton):** Mr. Speaker, on the point alluded to by the hon. member for New Westminster (Mr. Leggatt), and following along with what Your Honour said in dealing with these matters, I hesitate to say there is a mixing of questions of privilege. Though they relate to the press in a very general way, they are quite different from the point of view of the judgment which must be made by you, sir.

The question of privilege which was originally raised by the hon. member for Vancouver-Kingsway (Mrs. Holt) is a matter which stands on its own set of facts. It is not on all fours with the facts raised by the hon. member for Saint-Hyacinthe (Mr. Wagner), the hon. member for Peace River (Mr. Baldwin), and the hon. member for Maisonneuve-Rosemont (Mr. Joyal). The cases are different. I suggest, with the greatest respect, that the jurisprudence of this House on those two points would not be as clear and as precise as this House would require and that the press would require, depending upon Your Honour's judgment, if you dealt with those two matters as if they were part and parcel of the same question. I hope Your Honour was not leading to dealing with the matter in that way.

**Mr. Speaker:** Let me assure the hon. member for Grenville-Carleton (Mr. Baker), and all hon. members, that I propose to deal with them at the same time, but as entirely separate items. The hon. member for Scarborough East (Mr. O'Connell).

**Hon. Martin O'Connell (Scarborough East):** Mr. Speaker, I rise on a very brief point. I recall having raised a question of privilege with respect to the publication by certain newspapers of the interim report of the special joint committee on immi-

[Mr. Speaker.]

gration policy before it was presented to the House. In Your Honour's ruling there, if my memory is correct, and I have checked it very quickly, you referred to the difficulty in making that case in that my allegation was not specific and there was no specific allegation of misconduct affecting the privileges of the House. I should like to raise the possibility that in your ruling you give some guidance to us as members as to what constitutes specifics. Must the newspapers be named? Must persons be named? I had named newspapers, but I did not name persons. One of the reasons we seem to fail in these questions of privilege is that from a layman's point of view the very act of publication is a misconduct. That is a specific misconduct and should not need to be any more specific than that. That is why one seeks a reference to the committee to explore the facts. I would appreciate it very much, as would, possibly, the hon. member for Vancouver-Kingsway, if we had some clarification on what "specific" means in terms of our rules with respect to questions of privilege of this kind.

**Mr. Heward Grafftey (Brome-Missisquoi):** Mr. Speaker, apropos the question of privilege just articulated by the hon. member for Saint-Hyacinthe (Mr. Wagner), I know in considering these matters that Your Honour must take into account traditional precedents and the traditions of this House. I would suggest and recommend most strongly to you, Mr. Speaker, as the chief protector of our rights, that there comes a time, in terms of our relationship with the fourth estate, while we pay attention to precedents and to traditions, that modern phenomena be given precise consideration by Your Honour in determining whether privilege exists.

I remember that my father appeared on behalf of Sir Arthur Currie, after the Second World War, on a libel cause. There was just a little column placed in a little daily newspaper. We are not discussing little articles in a weekly or a daily newspaper; we are talking about a modern phenomenon—television. Millions of people watch television during prime time. We are talking about a phenomenon called smear by innuendo.

In considering the valid privilege of the hon. member for Saint-Hyacinthe, I would hope this modern phenomenon—libel through the electric media—with millions of people watching at prime time on Sunday nights is not the same as a traditional insertion in a weekly or a daily newspaper. Whether we like it or not, we have got to come to terms with this modern phenomenon in the electric media, especially with regard to smear by innuendo. I appeal to you, sir, as the first commoner amongst us, to give consideration to the valid question of privilege stated by the hon. member for Saint-Hyacinthe.

**Mr. Speaker:** Order, please. As I indicated earlier this afternoon, I hope hon. members will bear with me as I take a few days to bring this matter together to deal with the various questions which have been raised: those relating to the recent television program in respect of organized crime, those of about a week ago in respect of the relationship between the government and the press of the country, and those raised