

Privilege—Mr. Marchi

The publication of proceedings of committees conducted with closed doors or of reports of committees before they are available to Members will, however, constitute a breach of privilege.

Without taking any further time, I would request that you, Mr. Speaker, look into this matter, because I think it sets a very dangerous precedent. It undermines the independence of a Standing Committee of Parliament. It undermines the privilege of all Hon. Members of the House to know of the contents of the report at the same time the Member for Rosedale and Minister responsible for Multiculturalism do. I believe this is a sad day for the independence of a committee and a sad day for parliamentary reform. If you rule in favour of a *prima facie* case of privilege, I am prepared to move a motion accordingly.

Mr. Doug Lewis (Parliamentary Secretary to Deputy Prime Minister and President of the Privy Council): Mr. Speaker, in assisting you in coming to a conclusion on my hon. friend's *prima facie* case, I would like to draw your attention to two items which I think should be brought into play. First, breaches of privilege in committee may be dealt with only by the House itself on report from the committee. Therefore, I would submit that if there has been a breach of my hon. friend's privileges as a member of that committee, it would first be required that the committee itself report that breach to the House.

There is no proof before the House of what my hon. friend has suggested. There are no committee minutes, there has been no reference to it in the media, there is no correspondence and there is nothing to show that in fact the Hon. Minister, either in his capacity as a Minister or in his capacity as a Member, received a copy of the report.

Obviously I am prepared to entertain the comments of my hon. friend who would not mislead the House. He has said that the Hon. Minister has in either capacity received what I would guess would be a draft copy of the report because there can be no final copy of the report until it is presented in the House.

The second point I want to make deals with the citation to which my hon. friend referred, Citation 647 of Beauchesne's. In this case, I believe we should read the heading of that citation which is "Premature Disclosure of the Report". The full citation reads as follows:

No act done at any committee should be divulged before it has been reported to the House. Upon this principle the House of Commons of the United Kingdom, on April 21, 1937, resolved "That the evidence taken by any select committee of this House and the documents presented to such committee and which have not been reported to the House, ought not to be published by any member of such committee or by any other person".

It is the publication of the proceedings of committees which are conducted behind closed doors which constitutes the breach, not the giving of a report to another Hon. Member of the House.

I would suggest that were that report to be published in the media as a result of the actions of any Member, my hon. friend would be absolutely correct. However, since the report has

gone to a Member of the House in his capacity as a Member, there is no breach until it is published.

Drawing upon my meagre experience as Chairman of the Public Accounts Committee at one time, when we were drafting reports it was the nature of the beast that from time to time Members would take draft reports for consideration prior to returning to a meeting for a final rewrite. That was done on the understanding that all Members of the House are honourable Members and that it would be a very serious breach for the committee report in draft form to be published before it was presented in the House.

I would suggest that until such time as the report is prematurely disclosed and published, there can be no breach of my hon. friend's privilege.

• (1540)

Mr. Speaker: The Hon. Member for York West (Mr. Marchi) has raised a matter which is obviously of concern. As I take his representations, his complaint is that it was his understanding, and perhaps that of others, that at this stage a report being prepared would not be divulged to anyone other than committee members. That may very well be a serious complaint in the context of all that has been happening in the committee. In this case the Hon. Member has advised the Chair and other Hon. Members that he has learned the report was given to a Minister.

I have listened with care to the Hon. Parliamentary Secretary, who I think has very properly pointed out that having given the document to a Minister, or for that matter to some other Member of this place, that is not—also in the opinion of the Chair—that sort of publication which would be the basis of a question of privilege.

The Chair is also concerned about another procedural rule, which Hon. Members will recall, that the Chair, except in some exceptional circumstances, ought not to entertain a question of privilege with respect to proceedings in a committee until the committee has brought the matter to the Chair.

Under the circumstances, perhaps the Chair could suggest to the Hon. Member for York West that the complaint, which is certainly real enough, ought to be taken back to the committee and then, depending on what happens there, he might want to raise the matter again with the Chair. Indeed, depending on what happens there, the Chair may be seized of the matter as a consequence of a report coming from the committee.

I would say again with respect to the affairs of a committee, there has been a long-standing tradition that it is not for the Chair to meddle in the internal workings of a committee. At the same time the Chair does ask all members of committees and committee chairpersons to take appropriate steps to ensure that there are a minimum number of complaints with respect to the proceedings in committee. Inevitably, if there are complaints, those complaints are brought to the Chair primarily because it is to the Chair that an Hon. Member can