

Privilege—Mr. Riis

that they are in fact similar to an end. I believe this is a prima facie case and a breach of privilege of all Members of the House. I hope that you concur with that observation.

Hon. Herb Gray (Windsor West): Mr. Speaker, the House Leader for the New Democratic Party has presented a very interesting and important point. It may be argued by a representative of the Government when one rises, that what the Hon. Member is talking about is not covered within any of the existing precedents with respect to parliamentary privilege as far as they apply to the Canadian House of Commons. However, I want to draw your attention to the fact that in amending our Standing Orders we changed the language of Standing Order 1, "Public Business". While I do not have the previous Standing Order in front of me, my recollection is that it was rather narrowly drafted to limit, what the Speaker could do in ruling on these kinds of claims, to what had previously been established or is still being established in the Parliament of the United Kingdom, as well as our own Parliament. However, Standing Order 1 headed "Public Business" now reads:

In all cases not provided for hereinafter, or by other Order of the House, procedural questions shall be decided by the Speaker or Chairman, whose decisions shall be based on the usages, forms, customs and precedents of the House of Commons of Canada and on parliamentary tradition in Canada and other jurisdictions, so far as they may be applicable to the House.

Therefore, I submit that you are entitled to find that when it comes to dealing with matters of privilege, the final word has not been said and that it is possible for you to make a ruling, in effect extending what parliamentary privilege means for this House of Commons, to cover what may be new ground.

It might also be argued by a spokesperson for the Government that the tradition with respect to leaks of information about legislation has, until now, been limited to leaks of information contained in a budget statement or budgetary document. I submit if my contention is correct, that the final word has not been said on what constitutes parliamentary privilege for the Canadian House of Commons that it would be open for it to be held that this tradition should be extended to leaks of information involving legislation other than budget statements or budgetary legislation.

This is particularly a point to be considered when we are talking about something that a Government considers so serious and important as the legislation on prescription drugs now before the House. I think it is particularly important, if we are talking about information about this legislation falling into the hands of lobbyists—perhaps I should say representatives—of organizations in other countries.

If the Government is serious about respecting the paramount role of the House of Commons and its own accountability to the House of Commons, it should limit the information it gives about its intended legislation, prior to its tabling, to its own officials and the Members of the House of Commons to whom the Government is accountable. There is a tradition that some two hours or so in advance of the first reading of a Bill there is a briefing given to opposition critics about the contents

of the Bill, and a copy of the Bill is sometimes given to them as well as other explanatory material. In fact, sometimes there is no briefing but the Bill and material explaining it are given under embargo to opposition critics. No matter which party forms the Government, I think it can be said to the credit of Hon. Members that such confidentiality has always been respected.

It is quite another matter if we are talking about giving that material to people who are not Members of the Canadian House of Commons or officials in the Public Service of Canada, but to others, particularly people in other countries. Therefore, I submit that it is open to you to find in these circumstances that our approach to privilege can be extended to the matter raised by the House Leader of the New Democratic Party.

In conclusion, if what we are discussing is not a breach of privilege, it is at the very least a breach of ethics. I think the House and the Canadian people should take note of the implications of detailed information about what is in a key piece of legislation, not yet presented by the Government to Parliament, coming into the hands of someone in another country who clearly is not authorized to have that information, at least a week before the Bill is tabled in the House. If this is not a matter of breach of parliamentary privilege, it raises a very interesting and important question of ethics.

I also believe that it is open to you, sir, to decide that, when it comes to parliamentary privilege as it pertains to the Canadian House of Commons, the precedents already there for you to consider are not the final word. It is open for you to extend the definition of privilege to new areas, and the area we are discussing could well be one of them.

Mr. Speaker: Before recognizing the Minister, the Chair wants to thank the Hon. Member for Windsor West (Mr. Gray) for his intervention. The question of ethics gives the Chair some concern. Perhaps the Hon. Member can assist the Chair and the House. I take it that when the Hon. Member raised the question of ethics, it was not an imputation against the present Minister or Members. That is the way the Chair has taken the remarks and I would want to assure all Hon. Members of that.

Mr. Gray (Windsor West): I would be happy to confirm that.

● (1230)

Hon. Harvie Andre (Minister of Consumer and Corporate Affairs): Mr. Speaker, this has been a very interesting discussion of the law, so to speak, of parliamentary privilege. It is, however, not based on any facts which would warrant us now to divert into this kind of discussion.

I am sure it did not escape the notice of the Chair that the House Leader of the New Democratic Party (Mr. Riis) did not quote what Mr. Stettler said in the interview he gave to *CBC Journal*. The reason he did not is because Mr. Stettler did not