

Privilege—Mr. Nielsen

ment to do their jobs is limited. We have suffered a loss of our privilege. This is the prima facie case which we put before you today.

Some Hon. Members: Hear, hear!

Mr. Clark: Madam Speaker, you will know that while the question of secrecy is important to any matter, it is of particular importance in relation to the budget. You yourself said earlier today that you need no further elaboration on that point. I forget your exact words. I do not want to misquote you, but I think the intent of your remarks was that everyone accepts that there is a requirement of secrecy in relation to the budget.

I have the words of your predecessor in writing, Mr. Speaker Jerome, on July 24, 1975 in relation to a case having to do with the Hon. Member for Kenora-Rainy River (Mr. Reid), the then Parliamentary Secretary to President of the Privy Council, who was involved in a dispute with *The Gazette* of Montreal. The Hon. Member for York-Peel (Mr. Stevens) was in the course of making an argument, as reported at page 7888 of *Hansard* of that date. Mr. Speaker Jerome interrupted, and I will quote the relevant portion:

Order. I hesitate to interrupt the Hon. Member but I do not think he need argue the sanctity of budget secrecy. That seems to me a matter that is generally agreed to by all Members of the House; there is no disagreement there.

That was the view, those were the words and that was the expression used by Mr. Speaker Jerome of the well understood tradition of budget secrecy. Madam Speaker, you used similar language, as I recall, to make it clear that budget secrecy enjoys a special place in the House.

● (1230)

What is important here is that the Minister of Finance invited journalists to come in to a situation where the contents of the budget would be known to them. Indeed, he invited them thrice. I do not know if there were cocks crowing or not, but he invited them thrice. He first invited them into his office. Second, he held open the budget documents. He held them open to a point where his own staff urged him to be careful with the papers. That was the second invitation, holding open the documents to be seen.

Third, just in case any of them might have forgotten they had a zoom lens that could focus on the language, he reminded them they had a zoom lens. He reminded them that they had within their power in the room to which he had invited them a mechanism which would allow them to focus, photograph, magnify and later to broadcast to the country, and indeed to the world, the contents of the budget. He did it by invitation three times: "Come to my room." "Here is the budget." "Focus your zoom lens." That was the invitation offered three times by the Minister of Finance.

I think the Minister was a buffoon to do that, an absolute buffoon. Buffoonery is no defence. It is a breach of the practices of this House. A breach by buffoonery is as serious, bad and wrong as a breach by malicious intent. What has to be judged here is whether there is prima facie evidence in the

arguments that have been put forward, in the documents that exist and in the information that all of us have seen conveyed across the land, of a breach of the practices in respect to budget secrecy.

Coming again to our rights as Private Members of Parliament, we have a right to know that the traditions respecting budget secrecy will be honoured. Indeed, those traditions are imposed on us. One of the arrangements that has grown up over the years is that only five of our number are allowed into a budget lock-up. We are allowed into a budget lock-up under very serious limitations. Five of our number are given extraordinary privileges, larger than the normal privilege of ordinary Members to know the budget in advance on the condition that we do not broadcast what we know. That privilege is given to us because we are Members of the House of Commons. It is part of the privilege of Members of the House of Commons in this Party to delegate to five of our own the opportunity to go in and see those documents in advance.

What happened is that the Minister of Finance invited the journalists last night to come in and not only see, but photograph and circulate, material that would not be available to any Member of the House of Commons until today in the normal course of things. That clearly is to put Members of Parliament, who are supposed to be in a superior position with regard to Government information and announcements, in an inferior position. That is very clearly a breach and a limitation of the privileges of individual ordinary Members of the House of Commons. That was carried out and was done deliberately by the Minister of Finance yesterday.

I will summarize very quickly because I know you want to deal particularly with the question of privilege here, with whether the privilege of individual Members has been breached. I am glad the Government House Leader is back because he was under the mistaken impression that the Speaker would have to judge the contents of the matter leaked. The Speaker is not called upon to be a judge but is called upon to decide whether there is prima facie evidence of a breach of the privileges of individual Members of this House.

There is prima facie evidence, in my submission, on at least two counts. One has to do with the breach of the oath of office of the Minister of Finance, who broke his word, broke that oath which is the basis on which he enjoys special standing in this House. When he breaks his word, which is the author of the source of his special authority in this House, then those of us who are required still to treat him with special authority have our privileges limited.

Second, in relation to the specific case of the budget leak itself, the traditions are well established that there is not to be a release, deliberate or inadvertent, of the contents of budget material, nor the appearance of the release of the contents of budget material, prior to the presentation in the House. There is no doubt that anyone with eyes to see the television of the land knows that the Minister of Finance broke that practice and custom. In so breaking it, he made available to the larger public information that was to have been presented first here